



| PREA ZERO TOLERANCE   |                  |                   |
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| <b>Policy 1002 Prison Rape Elimination Act (PREA) Zero Tolerance for Sexual Abuse and Sexual Harassment</b> | <b>Effective</b> | <b>01/30/2020</b> |
|   | <b>Replaces</b>  | <b>1002</b>       |
|   | <b>Dated</b>     | <b>05/05/2015</b> |

The Arizona Department of Juvenile Corrections (ADJC) has zero tolerance towards all forms of sexual abuse including sexual harassment. ADJC is committed to creating a safe environment and protecting juveniles against sexual victimization. This includes prohibiting any sexual activity, sexual harassment, sexual abuse, or sexual contact between ADJC employees, volunteers, interns, mentors, or contract personnel and juveniles and between juveniles. The Department is dedicated to preventing, detecting and responding to sexual abuse and harassment by screening juveniles to identify potential victims and perpetrators, ensuring services are provided for the victims of such abuse, educating employees on responding to sexual abuse incidents, educating juveniles on reporting methods and safety precautions, and assessing potential environmental factors. This policy provides uniform guidelines and procedures to reduce the risk of sexual abuse in compliance with the Prison Rape Elimination Act (PREA) of 2003.

#### AUTHORITY

##### Arizona Revised Statutes (A.R.S.)

|                           |  |
|---------------------------|--|
| <a href="#">§ 41-2804</a> | Duties and powers of the Director  |
| <a href="#">§ 13-1404</a> | Sexual abuse; classification   |
| <a href="#">§ 13-1405</a> | Sexual conduct with a minor; classification  |
| <a href="#">§ 13-1406</a> | Sexual assault; classification; increased punishment   |
| <a href="#">§ 13-3620</a> | Duty to report abuse, physical injury, neglect, and denial or deprivation of medical or surgical care or nourishment of minors; medical records; exception; violation; classification; definitions |

##### American Correctional Association (A.C.A.)

|                          |                                      |
|--------------------------|--------------------------------------|
| 3-JTS-3D-06-1 through 10 | Juvenile Rights/Protection from Harm |
|--------------------------|--------------------------------------|

##### National Commission on Correctional Health Care (N.C.C.H.C.)

|        |  |
|--------|--|
| Y-A-13 | Federal Sexual Assault Reporting Regulations |
| Y-G-09 | Procedure in the event of Sexual Assault     |
| Y-I-03 | Forensic Information                         |

##### Code of Federal Regulations (C.F.R.)

|                                    |                                     |
|------------------------------------|-------------------------------------|
| <a href="#">28 C.F.R. Part 115</a> | Prison Rape Elimination Act of 2003 |
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#### DEFINITIONS

1. **Emergency** - any condition or situation where life, health, or safety may be threatened or where grievance time frame considerations necessitate an immediate response or remedial action. [28 C.F.R. §115.352 (g)]

2. **Exigent circumstances** - any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility. [28 C.F.R. §§115.313 and 315]
3. **Extended Jurisdiction Juvenile** - means a juvenile who remains under juvenile court jurisdiction until the age of 19 unless sooner discharged.
4. **LGBTI** - juveniles who have identified themselves or may be perceived as Lesbian, Gay, Bisexual, Transgender, or Intersex (LGBTI). [28 C.F.R. §115.311]
5. **PREA** - Prison Rape Elimination Act of 2003.
6. **PREA Coordinator** – is a position with sufficient time and authority that reports to the ADJC Director. The PREA Coordinator’s responsibilities include developing, implementing, and overseeing the agency’s plan to comply with PREA standards. [28 C.F.R. §115.311 (b)]
7. **Sexual abuse** - as defined in A.R.S. §13-1404: Intentionally or knowingly engaging in sexual contact with any person fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast. It is a defense to a prosecution pursuant to A.R.S. §13-1405 if the victim is fifteen, sixteen or seventeen years of age, the defendant is under nineteen years of age or attending high school and is no more than twenty-four months older than the victim and the conduct is consensual. It includes (1) Sexual abuse of a juvenile by another juvenile; and (2) Sexual abuse of a juvenile by an employee, contractor, intern, mentor, or volunteer: [28 C.F.R. §115.311 (a)]
  - a. Juvenile PREA Standards: Sexual abuse of a juvenile by another juvenile includes any of the following acts if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
    - i. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
    - ii. Contact between the mouth and the penis, vulva, or anus;
    - iii. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
    - iv. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
  - b. Sexual abuse of a juvenile by an employee, contractor, intern, mentor, or volunteer includes any of the following acts, with or without consent of the juvenile:
    - i. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
    - ii. Contact between the mouth and the penis, vulva, or anus;
    - iii. Contact between the mouth and any body part where the employee, contractor, intern, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
    - iv. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the employee, contractor, intern, mentor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
    - v. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the employee, contractor, intern, mentor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
    - vi. Any attempt, threat, or request by an employee, contractor, intern, mentor, or volunteer to engage in the activities described in paragraphs (a)-(e) of this section;
    - vii. Any display by an employee, contractor, intern, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a juvenile; and
    - viii. Voyeurism by an employee, contractor, intern, or volunteer. "Voyeurism by an employee, contractor, intern, or volunteer" means an invasion of privacy of a juvenile

by an employee, contractor, intern, mentor, or volunteer for reasons unrelated to official duties, such as peering at a juvenile who is using a toilet in his or her cell to perform bodily functions; requiring a juvenile to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an juvenile's naked body or of a juvenile performing bodily functions.

8. **Sexual assault** - as defined in A.R.S. §13-1406: Intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.
9. **Sexual harassment** - includes (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one juvenile directed toward another; and (2) Repeated verbal comments or gestures of a sexual nature to a juvenile by an employee, contractor, mentor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures. [28 C.F.R. §115.311 (a)]
10. **Sexually aggressive offender** - a juvenile committing sexual abuse against another juvenile or coercing sex from another juvenile in exchange for protection or other favors. [28 C.F.R. §115.311 (a)]
11. **Multidisciplinary Team (MDT)** - a team of individuals in a living unit who work collaboratively to develop and maintain comprehensive individualized case plans, special program plans and a behavior management system that is culturally competent and gender-specific. The team is based on a core membership of the juvenile's primary case manager and Qualified Mental Health Professional (QMHP).
12. **Vulnerable offender** - a juvenile who is at high risk to become a victim of sexual abuse by another juvenile due to characteristics related to age, physical stature, criminal history, and physical or mental disabilities, or past history of being victimized. [28 C.F.R. §115.311 (a)]

## PROCEDURE

1. As required by federal and state law, **ADJC EMPLOYEES** shall ensure that basic juvenile rights are protected and fully provided in a format appropriate to their stage of development, age, language, literacy level, and juvenile disability in accordance with Policy 2302 Basic Juvenile Rights and the following additional rights:
  - a. **Juveniles have the right** to an environment of zero tolerance towards all forms of sexual abuse and sexual harassment; [28 C.F.R. §115.311]
  - b. **Juveniles have the right** to limited cross-gender viewing and searches, except in exigent circumstances; [28 C.F.R. §115.315]
  - c. **Juveniles have the right** to any special needs accommodations; [28 C.F.R. §115.316]
  - d. **Juveniles have the right** to access forensic medical examinations at no cost; [28 C.F.R. §115.321]
  - e. **Juveniles have the right** to report all allegations of sexual abuse and sexual harassment; [28 C.F.R. §115.351]
  - f. **Juveniles have the right** to be reasonably protected from the accused offender; [28 C.F.R. §115.366]
  - g. **Juveniles have the right** to be free from retaliation for reporting sexual abuse and sexual harassment; [28 C.F.R. §115.367]
  - h. **Juveniles have the right** to have results of investigations explained to them and to their parents or legal guardian, consistent with confidentiality and Arizona State law; [28 C.F.R. §115.373]
  - i. **Juveniles have the right** to emergency medical and mental health services; [28 C.F.R. §115.382] and

- j. **Juveniles have the right** to ongoing medical and mental health care for sexual abuse victims. [28 C.F.R. §115.383]

2. **General standards regarding ADJC's zero tolerance of sexual abuse and sexual harassment:** [28 C.F.R. §115.311]

- a. ADJC is committed to a Zero Tolerance standard toward all forms of sexual abuse and sexual harassment within its facility and contracted programs. This policy provides uniform guidelines and procedures to reduce the risk of sexual abuse and sexual harassment in ADJC in compliance with the PREA 2003; [28 C.F.R. §115.311 (a)] **ADJC** has:
  - i. Designated a Prison Rape Elimination Act (PREA) Coordinator to increase the effectiveness of efforts to prevent and respond appropriately to sexual abuse and sexual harassment; and [28 C.F.R. §115.311 (b)]
  - ii. Designated a PREA Coordinator to coordinate the facility's efforts to comply with the PREA standards. [28 C.F.R. §115.311 (c)]
- b. **ADJC EMPLOYEES** shall be trained to recognize the signs of sexual abuse and to understand their responsibility in the detection, prevention, and reporting of alleged sexual abuse. Trained employees shall help prevent sexual abuse by acting in the following manner during the performance of their duties:
  - i. Knowing and enforcing rules regarding sexual behavior;
  - ii. Maintaining professionalism at all times, including maintaining a sexual-harassment-free professional workplace; and
  - iii. Treating any allegation of sexual abuse or sexual harassment seriously by following appropriate reporting procedures.
- c. Supervision of juveniles is necessary to protect them from sexual abuse. Sound correctional practice includes conducting frequent, random area checks, providing direct employees supervision, and having an open line of communication with juveniles;
- d. Sexual behavior is prohibited in ADJC. Juveniles who commit any type of behavior violation may be subject to sanctions according to this policy. The **PREA COORDINATOR** shall assess behavior violations involving sexual behavior as potential sexual abuse or sexual harassment cases;
- e. **ADJC EMPLOYEES** shall be aware of warning signs that might indicate that a juvenile has been sexually abused or in fear of being sexually abused. Warning signs, include, but are not limited to:
  - i. Isolating self from others;
  - ii. Depression;
  - iii. Major changes in behavior, mood, and daily activities;
  - iv. Lashing out at others;
  - v. Refusing to shower;
  - vi. Suicidal thoughts or actions;
  - vii. Seeking protective custody; and
  - viii. Refusing to leave Temporary Stabilization Unit (TSU);
- f. In the event that a juvenile is alleged to have sexually abused an employee, volunteer, mentor, or contractor, the immediate response and preservation of evidence steps described in this policy must also be followed; and.
- g. Any sexual behavior or act between employees and juveniles, volunteers, mentors, or contracted persons and juveniles, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions.

3. **Supervision and monitoring of juveniles:** [28 C.F.R. §115.313]

- a. **ADJC** shall implement a staffing plan that provides for adequate levels of staffing and monitoring to protect juveniles against sexual abuse; [28 C.F.R. §115.313 (a)]
- b. **HOUSING UNIT MANAGERS OR DESIGNEE(S)** shall:
  - i. Ensure appropriate employee to juvenile ratios are followed using Form 4002.05A ADJC Security Staffing Standards Matrix; [28 C.F.R. §115.313 (b)] and

- ii. When unable to meet required employee to juvenile ratio, ensure automated Form ADJC Minimum Safety Standards Request for a Waiver is completed in accordance with Policy 4002.05 Safe School Occupancy and Staffing Standards. [28 C.F.R. §115.313 (c)]
  - c. The **SECURE CARE BUREAU ADMINISTRATOR IN CONSULTATION WITH THE PREA COORDINATOR** shall assess, determine, and document whether adjustments to the staffing matrix are needed in accordance with Policy 4002.05 Safe School Occupancy and Staffing Standards; and
  - d. Whenever necessary, but no less frequently than once each year, **THE SECURE CARE BUREAU ADMINSTRATOR AND THE PREA COORDINATOR** shall assess, determine, and document whether adjustments are needed to:
    - i. The established staffing plan;
    - ii. Prevailing staffing patterns;
    - iii. ADJC's deployment of video monitoring systems and other monitoring technologies; and
    - iv. The resources the secure care facility has available to commit to ensure adherence to the staffing plan.
  - e. **INTERMEDIATE LEVEL SUPERVISORS** shall conduct and document **unannounced rounds** to identify and deter employee sexual abuse and sexual harassment using Form 4002.09A Supervisory Rounds in accordance with Policy 4002.09 Supervision of Juveniles; and [28 C.F.R. §115.313 (e)]
    - i. **EMPLOYEES** shall not alert other employees of any of these rounds unless such announcement is related to the legitimate operational functions of the secure care facility.
4. **ADJC limits to juvenile cross-gender viewing and searches:** [28 C.F.R. §115.315]
- a. **Juveniles have the right** to limited cross-gender viewing and searches, except in exigent circumstances. Cross gender video review and preservation may take place to identify and preserve digital evidence of physical and sexual abuse during an investigation;
  - b. **ADJC** shall **not** conduct cross-gender strip searches or cross-gender visual body cavity searches; [28 C.F.R. §115.315 (c)]
  - c. **ADJC EMPLOYEES OF THE OPPOSITE GENDER** shall announce their presence when entering the housing unit where juveniles are likely to be showering, performing bodily functions, or changing clothing in accordance with Policy 4002.09 Supervision of Juveniles; [28 C.F.R. §115.315 (d)]
  - d. **ADJC** shall **not** search or physically examine a transgender or intersex juvenile for the sole purpose of determining the juvenile's genital status: [28 C.F.R. §115.315 (e)]
    - i. If a juvenile's genital status is unknown, the **QHCP** may determine the status by reviewing medical records, during conversations with the juvenile or, if necessary by a private broader medical examination.
  - e. **The STAFF TRAINING AND DEVELOPMENT PERSONNEL IN CONJUNCTION WITH THE PREA COMPLIANCE MANGER AND SECURITY PERSONNEL** shall train employees to conduct pat-down searches and searches of transgender and intersex juveniles, in a professional and respectful manner, in the least intrusive manner possible, and consistent with security needs. [28 C.F.R. §115.315 (f)]
5. **Juveniles with disabilities and juveniles who are limited English proficient:** [28 C.F.R. §115.316]
- a. **Juveniles have the right** to any special needs accommodations. **ADJC** shall make accommodations to ensure juveniles who are deaf or hard of hearing, who are blind or have low vision, or who have intellectual, psychiatric, or speech disabilities have equal access and opportunity to participate in or benefit from all aspects of ADJC's efforts to prevent, detect, and respond to sexual abuse and sexual harassment: [28 C.F.R. §115.316 (a)]
    - i. Such accommodations shall include:

- (1) Providing access to interpreters and having interpreting services available in accordance with Policy 1301.09 Translator/Interpreter Services and ADJC Bilingual Employees to juveniles who are limited English proficient; [28 C.F.R. §115.316 (b)]
  - (2) Ensuring that written information is provided in formats or through methods that ensure effective communication with juveniles with disabilities, including juveniles who have intellectual disabilities, limited reading skills, deaf or hard of hearing, or who are vision impaired or have low vision; and
  - (3) Providing access to all PREA related efforts to prevent sexual abuse.
- b. **ADJC** shall **not** rely on juvenile interpreters, juvenile readers, or other types of juvenile assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the juvenile's safety, the performance of first-response duties, or the investigation of the juvenile's allegations. [28 C.F.R. §115.316 (c)]
6. **Employee hiring and promotion decisions:** [28 C.F.R. §115.317]
  - a. **ADJC** shall ensure, in accordance with Policy 1163 Background Investigations and Clearances, that employee hiring and promotion decisions are made in accordance with the requirements of PREA Juvenile Facility Standard; [28 C.F.R. §115.317]
7. **ADJC facility upgrades and technologies:** [28 C.F.R. §115.318]
  - a. **ADJC** shall:
    - i. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, consider the effect of the design, acquisition, expansion, or modification upon ADJC's ability to protect juveniles from sexual abuse; [28 C.F.R. §115.318 (a)] and
    - ii. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, consider how such technology may enhance ADJC's ability to protect juveniles from sexual abuse. [28 C.F.R. §115.318 (b)]
8. **Juvenile access to forensic medical examinations: Juveniles have the right** to access forensic medical examinations at no cost: [28 C.F.R. §115.321]
  - a. The **OFFICE OF THE INSPECTOR GENERAL** shall investigate allegations of sexual abuse in accordance with Policy 1162 Reporting and Investigating Suspected Child Abuse to maximize the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions; [28 C.F.R. §115.321 (a) and (b)]
  - b. **ADJC** shall offer all juveniles who experience sexual abuse access to forensic medical examinations whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate: [28 C.F.R. §115.321 (c)]
    - i. For any juvenile alleging sexual abuse, **OFFICE OF THE INSPECTOR GENERAL PERSONNEL** shall make arrangements for a forensic medical examination to be performed by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) where possible.
  - c. **For juveniles who report a history of sexual abuse:**
    - i. The **QHCP** shall evaluate juveniles who report a history of sexual abuse that occurred at any time in the past and shall consider referring the juvenile for a forensic medical examination if there are reasonable circumstances that allow for the collection of evidence in accordance with Form 1162A Multidisciplinary Protocol for the Investigations of Child Abuse as outlined in Policy 1162 Reporting and Investigating Suspected Child Abuse.
  - d. **For juveniles who report genital/rectal pain, or bleeding:**
    - i. The **QHCP** shall ensure these symptoms are seen as soon as possible so that the site of the bleeding or cause of the pain can be identified. This will help to differentiate accidental from non-accidental injuries and sexually transmitted infections from non-sexually transmitted ones.
  - e. **Juveniles disclosing consensual sex:**
    - i. **ADJC EMPLOYEES** shall:

- (1) Immediately separate juveniles reporting and/or engaging in consensual activity; and
    - (2) Complete an Incident Report in accordance with Policy 1162 Reporting and Investigating Suspected Child Abuse.
  - ii. The **OFFICE OF THE INSPECTOR GENERAL** shall investigate the case in accordance with Policy 1162 Reporting and Investigating Suspected Child Abuse;
  - iii. If there is a question as to whether the sexual contact was consensual or non-consensual, and/or if the victim is under 15 years old, the **INSPECTOR GENERAL IN COLLABORATION WITH A QHCP** shall consider the juvenile for a forensic medical exam; and
  - iv. **ADJC EMPLOYEES** shall refer the juvenile(s) for disciplinary follow-up with the MDT.
- f. **ADJC** shall make available victim advocate services through a qualified ADJC employee: [28 C.F.R. §115.321 (d)]
- i. When requested by the victim, contact a qualified agency employee or a QMHP; and
  - ii. The **QUALIFIED AGENCY EMPLOYEE OR THE QMHP** shall: [28 C.F.R. §115.321 (e)]
    - (1) Accompany and support the victim through the forensic medical examination and investigative process; and
    - (2) Provide emotional support, crisis intervention, information, and referrals.
9. **ADJC policies that ensure referrals of allegations for investigations:**
- a. **ADJC** shall ensure, in accordance with 1162 Reporting and Investigating Suspected Child Abuse, that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. [28 C.F.R. §115.322]
10. **Employee training:** [28 C.F.R. §115.331]
- a. The **STAFF DEVELOPMENT AND TRAINING BUREAU** shall ensure:
    - i. All employees receive instruction related to the prevention, detection, reporting, and investigation of juvenile sexual abuse and define appropriate employee – juvenile relationships in accordance with Policies 1180 Employee Staff Development and Training and 1200 Employee – Juvenile Relationships:
      - (1) The training shall include the following topics: [28 C.F.R. §115.331 (a)]
        - (a) ADJC's Zero-Tolerance for sexual abuse and sexual harassment; [28 C.F.R. §115.331 (a) (1)]
        - (b) How an employee must prevent, detect, report, and respond to offender sexual abuse and sexual harassment; [28 C.F.R. §115.331 (a) (2)]
        - (c) A juvenile's right to be free from sexual abuse and sexual harassment; [28 C.F.R. §115.331 (a) (3)]
        - (d) An employee's and juvenile's right to be free from retaliation for reporting sexual abuse and sexual harassment incidents; [28 C.F.R. §115.331 (a) (4)]
        - (e) The dynamics of sexual abuse and sexual harassment in juvenile facilities; [28 C.F.R. §115.331 (a) (5)]
        - (f) The common reactions of juvenile victims of sexual abuse and sexual harassment; [28 C.F.R. §115.331 (a) (6)]
        - (g) How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between juveniles; [28 C.F.R. §115.331 (a) (7)]
        - (h) How to avoid inappropriate relationships with juveniles; [28 C.F.R. §115.331 (a) (8)]
        - (i) How to communicate effectively and professionally with juveniles, including LGBTI, or gender nonconforming juveniles; [28 C.F.R. §115.331 (a) (9)]
        - (j) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; [28 C.F.R. §115.331 (a) (10)] and
        - (k) Relevant laws regarding the applicable age of sexual consent. [28 C.F.R. (a) (11)]

- b. The **STAFF DEVELOPMENT AND TRAINING BUREAU IN COLLABORATION WITH THE PREA COORDINATOR** shall:
    - i. Ensure new hired employees receive PREA training prior to having youth contact
    - ii. Train all current employees who have not received such training within one year of the effective date of the PREA standards,
    - iii. Ensure employees who have direct contact with juveniles receive in-service training tailored to the gender of juveniles with whom the employee has contact; and [28 C.F.R. §115.331 (b)] and
    - iv. Provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, **ADJC ADMINISTRATORS AND SUPERVISORS** shall provide refresher information on current sexual abuse and sexual harassment policies. [28 C.F.R. §115.331 (c)]
  - c. The **STAFF DEVELOPMENT AND TRAINING BUREAU** shall ensure training is documented through employee signature or electronic verification as an indication the employees understand the training they have received. [28 C.F.R. §115.331 (d)]
11. **Volunteer, contractor, and mentor training:** [28 C.F.R. §115.332]
- a. **ADJC** shall ensure that all volunteers, mentors, and contractors who have unsupervised contact with juveniles have been trained on their responsibilities under ADJC's sexual abuse and sexual harassment prevention, detection, and response policies and procedures; [28 C.F.R. §115.332 (a)]
  - b. The **ASSIGNED SALLY PORT OFFICER** shall provide volunteers, interns, and contractors entering the ADJC facility with the following documents to ensure they have read the information provided and fully understand their responsibilities while at the secure care facility as well how to report incidents: [28 C.F.R. §115.332(b)]
    - i. Appropriate section of Form 1002A Prison Rape Elimination Act (PREA) Acknowledgement Statement for Employees, Volunteers, Mentors, Contractors, and Interns; and
    - ii. Form 1002F PREA Information.
  - c. **STAFF DEVELOPMENT AND TRAINING BUREAU** shall maintain documentation confirming that volunteers, interns, mentors, and contractors understand the training they have received by ensuring Form 1180A1 In-Service Training Roster or Form 1180A2 Academy Training Roster is completed and signed in accordance with Policy 1310 Volunteer and Intern Programs. [28 C.F.R. §115.332 (c)]
12. **Juvenile education:** [28 C.F.R. §115.333]
- a. Upon a juvenile's commitment to ADJC custody, **RECEPTION, ASSESSMENT AND CLASSIFICATION (RAC) PERSONNEL** shall provide the juvenile with Form 1002C leaflet "What You Should Know About, Sexual Abuse And Sexual Harassment" also available in Spanish, Form 1002Csp and Form 4010D Youth Handbook to help the juvenile identify abuse, provide guidelines on how to stay safe, how to report abuse, and what to do if abused; [28 C.F.R. §115.333 (a)]
  - b. Within 10 days of intake, as a new commit or a parole violator, **RAC PERSONNEL** shall: [28 C.F.R. §115.333 (b)]
    - i. Provide juveniles a comprehensive age-appropriate presentation regarding the juvenile's right to be free from sexual abuse and harassment, retaliation for reporting incidents, and how ADJC shall respond to such incidents in accordance with this policy and Policies 1162 Reporting and Investigating Suspected Child Abuse and
      - (1) Notify juveniles that any report of a sexual abuse will be reported to law enforcement or Department of Child Safety.
    - ii. Provide this information in formats accessible to all juveniles, including those who are limited English proficient, hearing impaired, visually impaired, or otherwise disabled, as well as to juveniles who have limited reading skills; [28 C.F.R. §115.333 (d)]
    - iii. Provide juveniles with Form 1002E PREA Youth Acknowledgement Statement, also available in Spanish, Form 1002Esp to document juveniles received such instruction



and understand ADJC's Zero Tolerance policy for Sexual Abuse and Sexual Harassment and place completed form in the juvenile's file in the Formbase System; [28 C.F.R. §115.333 (e)]

(1) The **QMHP OR YPOIII** shall document PREA education presentations conducted during orientation in Youthbase under the Behavioral Health Group Intervention notes tab within ten days of the presentation.

- iv. In addition to providing such education, ADJC shall make PREA related information available or visible to juveniles through posters, youth handbooks, such as: Form 1002C "What you Should know about Sexual Abuse" also available in Spanish, Form 1002Csp, and Form 4010D Youth Handbook. [28 C.F.R. §115.333 (f)]
- c. During juvenile orientation, **RAC PERSONNEL** shall:
  - i. Present juveniles with PREA materials describing ways in which they can avoid being a victim, report having been a victim, and seek help for victim related issues; and
  - ii. Inform juveniles of their rights surrounding sexual victimization and sexual abuse.

13. **Specialized training for investigator employees:** [28 C.F.R. §115.334]

- a. In addition to the general training provided to all employees, The **INSPECTOR GENERAL** shall ensure investigators have received training in conducting sexual abuse investigations and conducting such investigations in confinement settings in accordance with Policy 1162 Reporting and Investigating Suspected Child Abuse; [28 C.F.R. §115.334 (a) (b)] and
- b. **ADJC** shall maintain documentation that ADJC's investigators have completed the required specialized training in conducting sexual abuse investigations. [28 C.F.R. §115.334 (c)]

14. **Specialized training for medical and mental health care employees:** [28 C.F.R. §115.335]

- a. In addition to the general training provided to all employees, **The MEDICAL DIRECTOR AND THE SUPPORT SERVICES CHIEF ADMINISTRATOR** shall ensure medical and mental health employees have completed specialized training on the following topics: [28 C.F.R. §115.335 (a) and (d)]
  - i. How to detect and assess signs of sexual abuse; [28 C.F.R. §115.335 (a) (1)]
  - ii. How to preserve physical evidence of sexual abuse; [28 C.F.R. §115.335 (a) (2)]
  - iii. How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; [28 C.F.R. §115.335 (a) (3)] and
  - iv. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment. [28 C.F.R. §115.335 (a) (4)]
- b. **STAFF DEVELOPMENT AND TRAINING BUREAU** shall maintain documentation that medical and mental health employees have completed the required specialized training referenced in this standard from ADJC or elsewhere. [28 C.F.R. §115.335 (c)]

15. **Juvenile screening for risk of sexual victimization and abusiveness:** [28 C.F.R. §115.341]

- a. Within 72 hours of a juvenile's admission as a new commit to the RAC unit or as a returning Parole Violator, and periodically throughout a juvenile's stay in the secure care facility, **ADJC** shall:
  - i. Obtain and use information about each juvenile's personal history and behavior to reduce the risk of sexual abuse by or upon a juvenile; [28 C.F.R. §115.341 (a)]
  - ii. **A QUALIFIED MENTAL HEALTH PROFESSIONAL (QMHP)** shall:
    - (1) Assess each juvenile by using the automated screening instrument Form 1002B Reception Screening for Assaultive and Sexually Aggressive Behavior and Risk for Sexual Victimization located in the Behavioral Health Tab to attempt to ascertain information, at a minimum, about: [28 C.F.R. §115.341 (b)(c)]
      - (a) Prior sexual victimization or abusiveness;
      - (b) Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the juvenile may therefore be vulnerable to sexual abuse;
      - (c) Current charges and offense history;

- (d) Age;
  - (e) Level of emotional and cognitive development;
  - (f) Physical size and stature;
  - (g) Mental illness or mental disabilities;
  - (h) Intellectual or developmental disabilities;
  - (i) Physical disabilities;
  - (j) The juvenile's own perception of vulnerability; and
  - (k) Any other specific information about individual juveniles that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other juveniles.
- iii. **QMHPs** shall ascertain this information through conversations with the juvenile during the intake process and medical and mental health screenings as well during classification assessments by: [28 C.F.R. §115.341 (d)]
    - (1) Reviewing court records, case files, behavioral records; and
    - (2) Other relevant documentation from the juvenile's file.
  - iv. **ADJC** shall implement and apply confidentiality controls on the dissemination of information to ensure sensitive information is not exploited to the juvenile's detriment by employees or other juveniles; [28 C.F.R. §115.341 (e)]
    - (1) **If the assessment indicates the juvenile is a potential victim, potential abuser, or both:**
      - (a) The **QMHP** shall:
        - (i) Make a recommendation for any supervision, treatment, or management needs to include housing, room assignment, education and work assignment accommodations;
        - (ii) Document all accommodations made in the Behavioral Health Tab; and
        - (iii) Ensure MDT members and Education employees are notified of accommodations recommended.
    - (2) **If the assessment indicates that the juvenile has been sexually assaulted:**
      - (a) The **QMHP** shall:
        - (i) Report the abuse in accordance with Policy 1162 Reporting and Investigating Suspected Child Abuse;
        - (ii) Ensure the juvenile receives medical treatment, if warranted;
        - (iii) Provide the juvenile with or refer the juvenile for psychological services for the abuse;
        - (iv) Make a recommendation for any special housing needs in accordance with Policy 4078.01 Transfer of Juveniles Process; and
        - (v) Along with the Multidisciplinary Team (MDT) include in the Continuous Case Plan (CCP) a course of action to be taken to address and ameliorate the effects of the abuse.

16. **Placement of juveniles in housing, bed, program, education, and work assignments:**

[28 C.F.R. §115.342]

- a. ADJC shall use all information obtained pursuant to 28 C.F.R. § 115.341 (Section 15 of this policy) and subsequently make housing, bed, program, education, and work assignments for juveniles with the goal of keeping all residents safe and free from sexual abuse;
- b. If the information obtained from automated Form 1002B Reception Screening for Assaultive and Sexually Aggressive Behavior and Risk for Sexual Victimization indicates the juvenile is at risk of becoming a potential victim, potential abuser or both; a **QMHP** shall complete an update to the juvenile's CCP every 30 days to re-assess the juvenile and make changes when applicable to the accommodations made during the 1002B screening assessment completed at intake.
- c. The **MULTIDISCIPLINARY TEAM** shall document changes to housing unit placement, room assignment, programming, education and work programs when deemed necessary;
- d. The **MULTIDISCIPLINARY TEAM** (MDT) shall:

- i. Continuously assess the juvenile's sexual abuse vulnerability and aggressiveness during scheduled staffing meetings and provide justifications for any new or changed accommodations; and
  - ii. Review the juvenile's behavior, incident reports, Rule Violations and all relevant information available since the initial 1002B screening assessment completed at intake or the last scheduled staffing meeting.
- e. **QMHPs shall:**
  - i. Document changes made in the juvenile's CCP to reflect new accommodations recommended by the MDT and
  - ii. Update the juvenile's CCP when deemed necessary if specific information about the juvenile indicates a heightened need for supervision, requires additional safety precautionary steps, or separation from specific juveniles has been identified.
- f. If a bed is available and the recommendation is made for unit-based services on a Sex Offender Treatment Unit, **ADJC** shall immediately move the juvenile to the Sex Offender Treatment Unit for stabilization in accordance with Policy 4010 Juvenile Reception, Assessment, and Classification (RAC).
- g. **ADJC** may isolate juveniles from others only as a last resort when less restrictive measures are inadequate to keep them and other juveniles safe, and then only until an alternative means of keeping all juveniles safe can be arranged; [28 C.F.R. §115.342 (b)]
- h. During any period of isolation, **ADJC** in accordance with Policy 4061 Temporary Stabilization Unit: [28 C.F.R. §115.342 (b)]
  - i. Shall **not** deny juveniles daily large-muscle exercise and any legally required educational programming or special education services;
  - ii. Shall provide daily visits from a medical or mental health care clinician; and
  - iii. Shall provide access to other programs and work opportunities to the extent possible.
- i. If a juvenile is isolated pursuant to paragraph g of this section, **ADJC** shall clearly document: [28 C.F.R. §115.342 (h)]
  - i. The basis for the facility's concern for the juvenile's safety; and
  - ii. The reason why no alternative means of separation can be arranged.
- j. Every 30 days, **ADJC** shall afford the juveniles described in section g., a review to determine whether there is a continuing need for separation from the general population; [28 C.F.R. §115.342 (i)]
- k. **ADJC shall not:** [28 C.F.R. §115.342 (c)]
  - i. Place in particular housing, bed, or other assignments solely on the basis of a juvenile's status of being lesbian, gay, bisexual, transgender, or intersex; nor
  - ii. Consider lesbian, gay, bisexual, transgender, or intersex, identification or status as an indicator of likelihood of being sexually abusive.
- l. In deciding whether to assign a transgender or intersex juvenile to a Housing Unit for male or female juveniles, and in making other housing and programming assignments, **ADJC** shall consider on a case-by-case basis whether a placement would ensure the juvenile's health and safety, and whether the placement would present management or security problems: [28 C.F.R. §115.342 (d)]
  - i. Upon receiving a transgender or intersex new commit juvenile at intake, a special staffing shall be held on behalf of the juvenile to review and determine accommodations such as housing unit, programming assignments, education, treatment services, and safety concerns. The following positions shall be in attendance at this special staffing:
    - (1) PREA Coordinator;
    - (2) Clinical Director;
    - (3) Medical Director;
    - (4) Legal Systems Bureau Administrator or designee;
    - (5) Education Administrator;
    - (6) Juvenile's Parole Officer or designee; and
    - (7) The juvenile's current Youth Program Supervisor (YPS).
  - ii. Determinations made at this special staffing shall be documented in the Vulnerable Population Transgender and Intersex Automated System located in the Agency portal.

- m. **ANY EMPLOYEE** that receives information that a juvenile, who is a current resident at Adobe Mountain School, identifies as transgender or is intersex, shall notify the PREA Coordinator by phone or email within 72 hours:
    - i. The **PREA COORDINATOR** shall communicate with the Medical Director, Clinical Director, the unit YPS, YPOIII and QMHP to initiate an assessment and determine if a special staffing is required:
      - (1) If a special staffing is not required, the **MDT** shall review the youth's accommodations at the next scheduled CCP staffing; and
      - (2) If a special staffing is required, section #16 l. i. and ii. shall be followed.
  - n. The **JUVENILE'S MDT** shall discuss transgender and intersex juveniles at the juvenile's monthly staffing or when adjustments to their accommodations are required.
  - o. The **MDT** shall reassess placement and programming assignments for each transgender or intersex juvenile at least twice each year to review any threats to safety experienced by the resident: [28 C.F.R. §115.342 (f)]
    - i. A transgender or intersex juvenile's own views with respect to his or her own safety shall be given serious consideration; [28 C.F.R. §115.342 (f)]
    - ii. The **UNIT QMHP OR ANOTHER UNIT'S QMHP** shall meet with the transgender or intersex juvenile prior to the special staffing as outlined in #16 l.i. above and enter the information discussed in the Vulnerable Population Transgender and Intersex Automated System located in the Agency's portal:
      - (1) At this meeting the QMHP and the juvenile shall complete Form 1002J Youth Preference Form- Transgender and Intersex; and
      - (2) A copy of the completed and signed Form 1002J shall be maintained in the system and made available to the transgender or intersex juvenile upon their request.
  - p. Transgender and intersex residents shall be given the opportunity to shower separately from other residents.
17. **Juvenile reporting.** Juveniles have the right to report all allegations of sexual abuse and sexual harassment: [28 C.F.R. §115.351]
- a. **ADJC** shall have several ways to privately report sexual abuse or harassment, retaliation by other juveniles or employees, and employee neglect or violation of responsibilities that may have contributed to such incidents; [28 C.F.R. §115.351 (a)]
  - b. To report allegations of sexual abuse and sexual harassment, **JUVENILES:**
    - i. May access the confidential Department of Child Safety (DCS) hotline located in the Health Unit to allow the juvenile's request to remain anonymous; [28 C.F.R. §115.351 (b)]
      - (1) If a juvenile requests to use the Department of Child Safety hotline, **EMPLOYEES** shall:
        - (a) Call for an escort and allow the juvenile to use the hotline immediately. If the juvenile cannot be escorted to the health unit immediately due to exigent circumstances, employees shall ensure the juvenile is escorted to use the hotline before the end of shift;
        - (b) Remind the juvenile the hotline is for sexual abuse and sexual harassment reporting purposes only; and
        - (c) Document any disclosed information made by the juvenile prior to the phone call in an Incident Report (IR) marked 'Confidential.'
    - ii. May access the DCS mailing option to report abuse at no cost. **EMPLOYEES** shall not open DCS mail and shall treat all DCS mail as legal mail:
      - (1) If a juvenile requests to use the DCS mailing option, **EMPLOYEES** shall advise the juvenile to use this address, noting that such mail shall be treated as legal mail at no cost to the juvenile in accordance with Policy 4051.02 Juvenile Mail:

**Department of Child Safety**

Child Abuse Hotline

P.O. Box 6030

Phoenix, Arizona 85005

- iii. May use the juvenile grievance system and file a grievance by using Form 2304.01A Juvenile Grievance Form in accordance with Policy 2304.01 Juvenile Grievances; [28 C.F.R. §115.351 (c) and (d)]
- iv. Shall have confidential access to their attorney or other legal representation;
- v. Shall have access to parents or legal guardians and their assistance when in agreement to have the grievance filed on their behalf; or
- vi. May tell employees or someone they trust such as the Juvenile Ombuds.
- c. **ADJC EMPLOYEES** shall: [28 C.F.R. §115.351 (c)]
  - i. Accept reports made verbally, in writing, anonymously, and from third parties;
  - ii. Complete an *IR* to report sexual abuse and sexual harassment and mark it "Confidential:" [28 C.F.R. §115.351 (e)] and
  - iii. Submit the completed *IR* by the end of each shift;
    - (1) In the event the abuse took place in the community, report the alleged abuse in accordance with Policy 1162 Reporting and Investigating Suspected Child Abuse; and
    - (2) Complete an *IR* and mark it "Confidential."

**18. Juvenile Grievances:** [28 C.F.R. §115.352]

- a. In accordance with Policy 2304.01 Juvenile Grievances, **ADJC**:
  - i. Shall **not** impose a time limit on when a juvenile may submit a grievance regarding an allegation of sexual abuse; and [28 C.F.R. §115.352 (b)]
  - ii. Shall ensure that a juvenile who alleges sexual abuse:
    - (1) May submit the grievance without submitting it to the employee who is the subject of the complaint; [28 C.F.R. §115.352 (c) (1)] and
    - (2) That the grievance is not referred to an employee who is the subject of the complaint. [28 C.F.R. §115.352 (c) (2)]
- b. The **INSPECTOR GENERAL** shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance: [28 C.F.R. §115.352 (d) (1)]
  - i. Computation of the 90-day time period shall not include time consumed by the juvenile in preparing any administrative appeal. [28 C.F.R. §115.352 (c) (2)]
- c. **THIRD PARTIES, INCLUDING JUVENILES, EMPLOYEES, FAMILY MEMBERS, ATTORNEYS, AND OUTSIDE ADVOCATES**, shall: [28 C.F.R. §115.352 (e) (1)]
  - i. Be permitted to assist juveniles in filing requests for administrative remedies relating to allegations of sexual abuse; and
  - ii. Be permitted to file such requests on behalf of juveniles.
    - (1) If a third party, other than a parent or legal guardian, files such a request on behalf of a juvenile, **ADJC** may require as a condition of processing the request that the alleged victim agrees to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process; [28 C.F.R. §115.352 (e) (2)]
    - (2) If the juvenile declines to have the request processed on his or her behalf, **ADJC JUVENILE OMBUDS** shall document the juvenile's decision in the grievance and proceed with an investigation in accordance with Policy 1162 Reporting and Investigating Suspected Child Abuse; [28 C.F.R. §115.352 (e) (3)]
    - (3) **ADJC** shall allow a parent or legal guardian of a juvenile to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of a juvenile.

Such grievance shall not be conditioned upon the juvenile agreeing to have the request filed on his or her behalf; [28 C.F.R. §115.352 (e) (4)] and

- (4) **RAC PERSONNEL** shall provide parents or legal guardian's with 4620.01A Family Handbook where information regarding Zero Tolerance, the Department of Child Safety hotline, and how to file a grievance is clearly outlined.

- d. **Emergency grievances** - When a grievance concerns an emergency sexual matter where life, health, or safety may be threatened (e.g., imminent danger, abuse, injury, sexual vulnerability), the **EMPLOYEE RESPONDER** shall immediately notify the Shift Commander of the matter: [28 C.F.R. §115.352(f) (1)]
  - i. The **SHIFT COMMANDER** shall take appropriate action to assure the welfare of the juvenile: [28 C.F.R. §115.352(e) (2)]
    - (1) The emergency grievance shall be reviewed and responded to as soon as possible but no longer than 24 hours from receipt in accordance with Policy 2304.01 Juvenile Grievances.
  - ii. The **EMPLOYEE RESPONDER** may also inform the juvenile of the option to use the Child Abuse Hotline in the Health Unit regarding the emergency matter and that it's for reporting purposes only, not counseling, advocacy, etc.; and
  - iii. If the matter involves sexual abuse/harassment or child abuse, **EMPLOYEE RESPONDERS** shall follow the preventing, responding to, monitoring, and mandatory child abuse reporting in accordance with this policy and 1162 Reporting and Investigating Suspected Child Abuse.
  - iv. After receiving an emergency grievance alleging a juvenile is subject to a substantial risk of imminent sexual abuse, the **JUVENILE OMBUDSMAN** shall:
    - (1) Immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to the Office of Inspector General at which immediate corrective action may be taken,
    - (2) Shall provide an initial response within 48 hours, and
    - (3) Shall issue a final agency decision within five calendar days.
  - v. The initial response and final agency decision shall document the agency's determination whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
- e. **ADJC** may not sanction a juvenile for sexual assault or sexual abuse report made in good faith. [28 C.F.R. §115.352(g)]

19. **Third-party sexual abuse reporting:** [28 C.F.R. §115.354]

- a. **ADJC** may receive juvenile-related sexual abuse reports from juvenile families or the public in accordance with Policy 1162 Reporting and Investigating Suspected Child Abuse. Information regarding reporting process is available on ADJC's Public website in Form 4620.01A Family Handbook, also available in Spanish, which includes:
  - i. A confidential email contact [zerotolerance@adjc.gov](mailto:zerotolerance@adjc.gov); and
  - ii. The ADJC Director's number at **602.364.4051** to bring the matter directly to his attention.

20. **Employee and ADJC reporting duties following a juvenile report:** [28 C.F.R. §115.361]

- a. **ADJC EMPLOYEES** shall report immediately in accordance with Policy 1162 Reporting and Investigating Suspected Child Abuse and § ARS 13-3620: [28 CFR part §115.361 (a) (b) (c) (d)]
  - i. Any knowledge, suspicion, or information they receive regarding an incident of sexual abuse and sexual harassment;
  - ii. Retaliation against juvenile or employee who reported such incident; or
  - iii. Any employee neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- b. **MEDICAL AND MENTAL HEALTH PRACTITIONERS** shall:
  - i. Report sexual abuse to their supervisors as well as to the designated State or local services agency where required by mandatory reporting laws; [28 C.F.R. §115.361 (d) (1) and

- ii. Inform juveniles at the initiation of services of their duty to report and the limitation of confidentiality. [28 C.F.R. §115.361 (d) (2)]
  - c. The **SECURE CARE BUREAU ADMINISTRATOR OR DESIGNEE** shall promptly notify the allegation to the alleged victim's parents or legal guardians, unless there are official documentation showing the parents or legal guardians should not be notified or the disclosure would impair the investigation: [28 C.F.R. §115.361 (e) (1)]
    - i. If the alleged victim is under the guardianship of the child welfare system, notify the alleged victim's caseworker instead of the parents or legal guardian. [28 C.F.R. §115.361 (e) (2)]
21. **ADJC juvenile protection duties:** [28 C.F.R. §115.362]
- a. When an employee learns that a juvenile is subject to a substantial risk of imminent sexual abuse, the **EMPLOYEE** shall take immediate action to protect the juvenile by following the guidelines indicated in section 23 of this policy.
22. **Reporting to other confinement facilities:** [28 C.F.R. §115.363]
- a. In the event a juvenile reports physical or sexual abuse while in the custody of another place of confinement (i.e., detention center, jail, police):
    - i. The **REPORTING EMPLOYEE** shall complete an IR in accordance with Policies 1190 Incident Reporting and 1190.01 Incident, Misconduct, and Positive Behavior Recording; and
    - ii. The **OFFICE OF THE INSPECTOR GENERAL** shall:
      - (1) Notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and the appropriate investigative agency, as soon as possible, but no later than 72 hours after receiving the allegation; and
      - (2) Document that it has provided such notification.
23. **Employee first responder duties:** [28 C.F.R. §115.364]
- a. Upon learning of an allegation that a juvenile was sexually abused , **EMPLOYEE FIRST RESPONDERS** shall use Form 1002D First Responder Checklist for guidance through the appropriate response and accomplish the following steps: [28 C.F.R. §115.364 (a)]
    - i. Separate the alleged victim and abuser; [28 C.F.R. §115.364 (1)]
    - ii. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; [28 C.F.R. §115.364 (2)]and
    - iii. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim and abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating. [28 C.F.R. §115.364 (3)]
  - b. **EMPLOYEE FIRST RESPONDERS** shall notify the Shift Commander; [28 C.F.R. §115.364 (b)]
  - c. The **EMPLOYEE FIRST RESPONDER** shall take preliminary steps to protect the victim and immediately notify the appropriate medical and mental health practitioners on duty;
  - d. If the employee first responder is not a security member, the **EMPLOYEE FIRST RESPONDER** shall request the alleged victim not take any actions that could destroy physical evidence, and then notify the Shift Commander;
  - e. **Juvenile and third party disclosures:**
    - i. If a juvenile discloses and/or was a witness to a sexual offense involving another ADJC juvenile in secure care, **ADJC EMPLOYEES** shall:
      - (1) Ensure the conversation is not conducted with other potential witnesses present;
      - (2) Obtain the information with the following non-leading questions listed below:
        - (a) Who did it?
        - (b) When this happen?
        - (c) Where did this happen? and

- (d) Are you in pain/bleeding? [victim only]
    - (3) Document or remember the juvenile's exact words during the disclosure since these quotes will be included in the report to be authored by the recipient of the disclosure; and
    - (4) Notify the Shift Commander or On-Duty Administrator.
  - ii. If the juvenile appears to be a risk to his/her own safety or to the safety of others, or if s/he has been or is currently being neglected or abused physically, sexually, or emotionally, **ADJC EMPLOYEES** shall:
    - (1) Inform the juvenile of their duty to report;
    - (2) Seek the assistance of a QMHP as soon as possible to aid in:
      - (a) Determining if the juvenile is in imminent danger; and
      - (b) How best to deal with the juvenile's current mental status.
    - (3) Report the abuse by completing an *IR* in accordance *Policies 1190 Incident Reporting* and *1190.01 Incident, Misconduct, and Positive Behavior Recording*;
    - (4) If the victimization just occurred **do not leave the victim alone or allow him/her to wash, brush his/her teeth, shower, or change clothing**;
    - (5) Do **not** contact and/or confront the suspect; and
    - (6) Follow the direction of the Office of the Inspector General before proceeding further.
  - iii. **ADJC EMPLOYEES** shall report the abuse in accordance with *Policy 1162 Reporting and Investigating Suspected Child Abuse*.
- f. The **OFFICE OF THE INSPECTOR GENERAL** shall investigate all Sexual Offense allegations in accordance with *Policy 1162 Reporting and Investigating Suspected Child Abuse*.
24. **ADJC's coordinated response to incidents of sexual abuse: EMPLOYEES** shall use *Form 1002D1 Coordinated Facility Response Plan* to coordinate actions taken in response to an incident of sexual abuse among employee first responders, medical and mental health practitioners, investigators, and facility leadership pursuant to the PREA standard: [28 C.F.R. §115.365]
- a. If a juvenile notifies an employee that the juvenile has been sexually abused or the employee see or learns of the abuse:
    - i. The **FIRST RESPONDER EMPLOYEE** shall, in the following order:
      - (1) Ask the following questions to juvenile ONLY. Do not conduct an interview or attempt to get additional information:
        - (a) Who did it?
        - (b) When did this occur?
        - (c) Where did this occur?
        - (d) Are you in pain?
        - (e) Are you bleeding?
      - (2) Separate juvenile victim from alleged suspect immediately, if applicable;
      - (3) Contact Shift Commander;
      - (4) Call for Security escort to the Health Unit for medical evaluation;
      - (5) Complete Confidential *IR*; and
      - (6) If the allegation is of an immediate incident of abuse: Review *Form 1002D First Responder Checklist* and follow steps 1-5 of this section.
    - ii. **SHIFT COMMANDER** shall contact the Office of the Inspector General;
    - iii. **SHIFT COMMANDER AND INVESTIGATOR** shall assess the incident and formulate a plan;
    - iv. **SHIFT COMMANDER OR INVESTIGATOR** shall notify the On-Duty Administrator;
    - v. **ON-DUTY ADMINISTRATOR** shall contact the Secure Care Bureau Administrator; and
    - vi. **SECURE CARE BUREAU ADMINISTRATOR** shall contact the Director, Legal Services Bureau Administrator, and parent(s).
  - b. **HEALTH UNIT PERSONNEL** shall:
    - i. Stabilize juvenile and treat injuries;



- ii. Contact Medical Director or designee; and
    - iii. Contact qualified advocate employee if requested by the juvenile victim.
  - c. **INVESTIGATOR** shall:
    - i. Contact SANE nurse to conduct medical examination, if applicable; and
    - ii. Contact a Security Sergeant or Security Lieutenant for pictures, if applicable.
  - d. **SECURE CARE BUREAU ADMINISTRATOR OR DESIGNEE** shall:
    - i. Evaluate each incident and assign housing unit/area for juvenile victim and/or suspect; and
    - ii. Notify the PSA or QMHP within 24 hours of the incident.
  - e. At their discretion, the **PSA OR QMHP** shall process with the juvenile when it is appropriate and in coordination with the assigned Investigator.
25. **ADJC's protection against retaliation: Juveniles have the right** to be free from retaliation for reporting sexual abuse or harassment: [28 C.F.R. §115.367]
- a. **ADJC** shall **not** retaliate or permit retaliation against a juvenile who makes a report of sexual abuse or sexual harassment or cooperated in an investigation;
  - b. **ADJC** shall ensure that any ADJC employee who is found to have retaliated against another employee or juvenile involved in an investigation of sexual abuse or sexual harassment be subject to appropriate disciplinary action, up to and including dismissal from employment in accordance with Policy 2003.04 Employee Misconduct;
  - c. **ADJC** shall ensure all juveniles and employees who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations are protected from retaliation by other juveniles and employees in accordance with Policy 2007 Equal Employment Opportunity;
    - i. ADJC employees who report sexual abuse or sexual harassment or cooperate with the sexual abuse or sexual harassment investigation are protected from civil litigation (A.R.S. 13-3623) as long as the report and cooperation are made in good faith;
  - d. **ADJC** employs protection measures, such as housing changes or transfers in accordance with Policy 4078.01 Transfer of Juveniles Process for juvenile victims or abusers, removal of alleged employee or juvenile abusers from contact with victims, and emotional support services for juveniles or employees who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations: [28 C.F.R. §115.367 (b)]
    - i. For at least 90 days following a report of sexual abuse, the **PREA COORDINATOR IN COLABORATION WITH THE JUVENILE OMBUDS** shall: [28 C.F.R. §115.367 (c)]
      - (1) Monitor the conduct or treatment of juveniles or employees who reported the sexual abuse and of juveniles who were reported to have suffered sexual abuse utilizing the PREA Automated Monitoring System;
        - (a) Items to monitor include any:
          - (i) Juvenile disciplinary reports, such as juvenile grievances and MDT reviews;
          - (ii) Housing or program changes; and
          - (iii) MAP notes, MAP performance reviews, disciplinary actions, reassignments of employees.
      - (2) Refer employees to communicate any type of retaliation by juveniles or employees to the Chief Human Resources Officer;
      - (3) Complete an Administrative Incident Report (AIR) and notify the Chief Human Resources Officer of any retaliation complaint upon receipt and seek assistance from the Chief Human Resources Officer in assigning the complaint to a qualified individual in Human Resources to investigate the allegations;
      - (4) Act promptly to remedy any such retaliation;
      - (5) Continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need; and
      - (6) In the case of juveniles, **JUVENILE OMBUDS** shall complete periodic status checks.

- ii. If any other individual who cooperates with an investigation expresses a fear of retaliation, **ADJC** shall take appropriate measures to protect that individual from retaliation; and
  - iii. Reporting and investigating shall be done in a manner that preserves confidentiality consistent with the need to investigate and address allegations.
- 26. **Juveniles in ADJC custody:** **ADJC** shall provide separated housing to protect a juvenile who is alleged to have suffered sexual abuse subject to the requirements of section 16 of this policy. [28 C.F.R. §115.368]
- 27. **ADJC criminal and administrative investigations:** [28 C.F.R. §115.371]
  - a. **ADJC** shall follow this policy and policies 1162 Reporting and Investigating Suspected Child Abuse, 1160.01 Administrative Investigations, and 1161.01 Criminal Investigations and its related forms regarding investigations into allegations of sexual abuse and sexual harassment; [28 C.F.R. §115.371 (1)] and
  - b. **ADJC** shall follow the general retention schedules for state agencies and the approved schedules for ADJC outlined by the Arizona State Library Archives and Public Records in accordance with Policy 1118.01 Records Retention and Disposition. [28 C.F.R. §115.371 (j)]
- 28. **Evidentiary standard for administrative investigations:** [28 C.F.R. §115.372]
  - a. **ADJC** shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated in accordance with Policy 1160.01 Administrative Investigations.
- 29. **Reporting to juveniles:** [28 C.F.R. §115.373]
  - a. **ADJC** shall follow juvenile notification requirements in accordance with Policy 1162 Reporting Suspected Child Abuse.
- 30. **Disciplinary sanctions for employees:** [28 C.F.R. §115.376]
  - a. **EMPLOYEES** shall be subject to disciplinary sanctions up to and including termination for violating ADJC's sexual abuse or sexual harassment policies in accordance with 2003.04 Employee Misconduct and 2003.05 Employee Professionalism, Ethics, and Conduct.
- 31. **Corrective action for contractors and volunteers:** [28 C.F.R. §115.377]:
  - a. **ADJC** shall:
    - i. Prohibit any contractor, mentor, intern, or volunteer who engages in sexual abuse from contact with juveniles;
    - ii. Report such sexual contact to law enforcement and relevant licensing bodies, unless the activity was clearly not criminal; and
    - iii. Consider whether to prohibit further contact with juveniles in the case of any other violation of ADJC's sexual abuse or sexual harassment policies.
- 32. **Interventions and disciplinary sanctions for juveniles.** [28 C.F.R. §115.378] **Juveniles have the right** to be reasonably protected from the accused juvenile:
  - a. A juvenile may be subject to disciplinary sanctions only pursuant to an administrative finding of guilt for juvenile-on-juvenile sexual abuse: [28 C.F.R. §115.378 (a)]
    - i. **ADJC** shall ensure any disciplinary sanctions are matched with: [28 C.F.R. §115.378 (b)]
      - (1) The nature and circumstances of the abuse committed;
      - (2) The juvenile's disciplinary history; and
      - (3) The sanctions imposed for comparable offenses by other juveniles with similar histories.
    - ii. In the event an act of sexual abuse or harassment results in a juvenile being placed inTSU, **ADJC** shall **not** deny the juvenile daily exercise or access to any legally required educational programming or special education services;

- iii. **A MEDICAL OR MENTAL HEALTH CARE CLINICIAN** shall visit daily juveniles inTSU; and
- iv. **ADJC** shall ensure juveniles have access to other programs and work opportunities to the extent possible.
- b. When imposing a disciplinary process, **ADJC** shall consider whether a juvenile's mental disabilities or mental illness contributed to his or her behavior when determining any type of sanction; [28 C.F.R. §115.378 (c)]
- c. **ADJC**: [28 C.F.R. §115.378 (d)]
  - i. Shall offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse;
  - ii. Shall consider whether to offer the offending juvenile participation in such interventions;
  - iii. May require participation in such interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives, but not as a condition to access general programming or education;
  - iv. Shall make available Victims' Rights Advocates who are Master level counselors to assist any juvenile victim of sexual assault or sexual abuse; and
  - v. Shall not discipline a juvenile for reporting sexual abuse in good faith. [28 C.F.R. §115.378 (f)]

33. **Juvenile medical and mental health screening; History of sexual abuse:** [28 C.F.R. §115.381]

- a. If the screening completed in section15 of this policy, standard 28 C.F.R.§115.341, indicates that a juvenile has experienced prior sexual victimization, **ADJC EMPLOYEES** shall ensure the juvenile is offered a follow-up meeting with a medical or mental health professional within 14 days of the intake screening; [28 C.F.R. §115.381 (a)]
- b. If the screening completed in section15 of this policy, standard §115.341, indicates that a juvenile has previously perpetrated sexual abuse, **ADJC EMPLOYEES** shall ensure the juvenile is offered a follow-up meeting with a mental health professional within 14 days of the intake screening; [28 C.F.R. §115.381 (b)]
- c. **ADJC** shall keep any information related to sexual victimization or abusiveness strictly limited to medical and mental health professionals and essential employees as necessary; [28 C.F.R. §115.381 (c)] and
- d. Medical and mental health practitioners shall obtain informed consent from juveniles before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the juvenile is under the age of 18. [28 C.F.R §115.381 (d)]
  - i. Form 1002H EJJ PREA Consent shall be signed by juveniles upon the extended jurisdiction juvenile turning 18 and/or upon extended jurisdiction juveniles disclosing prior sexual victimization that did not occur in an institutional setting.
  - ii. Form 1002H EJJ PREA Consent shall be scanned in Formbase in the Reception, Assessment and Classification tab under the PREA folder.

34. **Juvenile access to emergency medical and mental health services. Juveniles have the right** to emergency medical and mental health services: [28 C.F.R. §115.382]

- a. **Mental Health Services:**
  - i. **ADJC** shall provide juvenile victims of sexual abuse with timely and unimpeded access to emergency medical treatment in accordance with Policy 3070.01 Emergency Care and crisis intervention services, as determined by medical and QHCPs according to their professional judgment; [28 C.F.R. §115.382 (a)]
  - ii. Following an allegation of sexual assault and/or abuse, the **QMHP** shall facilitate healing in the juvenile who has been victimized:
    - (1) In this role, the **QMHP**:
      - (a) Shall delay primary trauma intervention until after a forensic interview, to be conducted by a forensically trained interviewer, ADJC Investigator, or a forensically trained interviewer from a Child Advocacy Center; but
      - (b) **IN COLLABORATION WITH THE OFFICE OF THE INSPECTOR**

- GENERAL**, shall **not** delay primary trauma intervention longer than 24 hours; and
- (c) Shall provide trauma intervention immediately if the juvenile is in acute crisis.
  - (2) Following the forensic interview of an alleged juvenile victim, a **QMHP** shall assess the need for crisis intervention, counseling, and long-term follow-up:
    - (a) If the juvenile's needs are immediate and serious in nature, a **QMHP** shall complete an Initial Precautionary Risk Assessment of the juvenile using Form 4250.01A Initial Precautionary Risk Assessment; and
    - (b) In light of the findings from the Initial Precautionary Risk Assessment of the juvenile, if necessary, proceed in accordance with Policy 4250.01 Suicide Prevention Procedure.
  - (3) For long-term ongoing supportive therapy, **QMHPs WHO LACK EXPERTISE, TRAINING AND/OR CREDENTIALS IN THE AREA OF TREATMENT OF CHILD ABUSE, SEXUAL ASSAULT, OR ABUSE VICTIMS**, shall seek referrals to mental health professionals, including non-ADJC personnel, who specialize in working with child abuse and/or sexual abuse victims;
  - (4) During treatment, if a juvenile discloses further information regarding the abuse, the **THERAPIST, BOTH THE ADJC QMHP OR ANY NON-ADJC PERSONNEL**, shall document direct quotes and promptly report this information to the Office of the Inspector General; and
  - (5) The **MDT** shall incorporate any supportive follow-up treatment needs into the juvenile's CCP.
- b. **Medical responsibilities:**
- i. A juvenile believed to be a victim of a sexual assault/abuse should be brought to the Health Unit:
    - (1) The **QHCP** shall:
      - (a) Assess the juvenile;
      - (b) Provide any emergency treatments, as needed; and
      - (c) Limit exams to immediate serious injuries.
    - (2) Unless there is concern about significant bleeding, **QHCPs** shall **not** conduct a genital, oral, and/or anal examination.
  - ii. The **QHCP** shall **not** make any attempt to gather either physical evidence or statements from any juvenile alleging sexual assault:
    - (1) This does not preclude the QHCP from preserving trace evidence at risk to be lost (i.e., hair on victim's clothing):
      - (a) The **QHCP** shall collect this evidence in consultation with Office of the Inspector General.
    - (2) The **QHCP** shall document any spontaneous statements made by the victim; and
    - (3) **SECURITY PERSONNEL** is to remain with the juvenile while in the Health Unit during all initial evaluations for alleged sexual assault and delivery of emergency care.
  - iii. In the absence of a QHCP, **SECURITY PERSONNEL** shall contact the medical person on-call for instructions in accordance with Policy 3070.01 Emergency Care for further information; [28 C.F.R. §115.382 (b)]
  - iv. **OFFICE OF THE INSPECTOR GENERAL PERSONNEL** shall make arrangements for a forensic medical examination by a SANE for any juvenile alleging abuse within the past 120 hours;
  - v. **ADJC PERSONNEL IN COLLABORATION WITH OFFICE OF THE INSPECTOR GENERAL** shall:
    - (1) Supervise the juvenile and instruct him/her not to shower or, if applicable, rinse out his/her mouth prior to the offsite examination;
    - (2) If the juvenile changed clothing in the Health Unit prior to the examination, give any clothing removed to an Investigator and/or Security employee to:
      - (a) Seal in paper bags;
      - (b) Mark as evidence items;

- (c) Maintain chain of custody; and
  - (d) Give to the Office of the Inspector General to be retained by them.
- (3) Ensure the specialized medical examination is performed at a predetermined, authorized location;
- (4) Ensure that the Health Unit in collaboration with an Investigator from the Office of the Inspector General makes the appointment;
- (5) Ensure each Health Unit keeps an up-to-date list of current Child Abuse Assessment and Advocacy centers staffed by physicians and/or Forensic Nurse Examiners (FNE) with the necessary qualifications to provide child abuse examinations. The list is published in the protocols that have been adopted state wide. Refer to [www.childhelpinfocenter.org](http://www.childhelpinfocenter.org).
- vi. If a juvenile makes a disclosure of sexual assault/abuse during a routine unrelated evaluation by a QHCP, the **QHCP** shall:
  - (1) Follow the guidelines outlined in previously in this policy; and
  - (2) Report the abuse in accordance Policy 1162 Reporting and Investigating Suspected Child Abuse.
- vii. If possible evidence of a sexual assault/abuse is observed during a routine unrelated exam, the **QHCP** shall question the juvenile using the following procedure:
  - (1) **Ask only these exact questions** as needed to complete the information:
    - (a) Who did it?
    - (b) When this happen?
    - (c) Where did this happen? and
    - (d) Are you in pain/bleeding?
  - (2) If the juvenile does disclose and/or does not disclose abuse, which would include sexual assault/abuse, the **QHCP** shall report this incident in accordance with Policy 1162 Reporting and Investigating Suspected Child Abuse.
- viii. **ADJC** shall:
  - (1) Offer timely information about and timely access to emergency contraception and prophylaxis for sexually transmitted infections, to juvenile victims of sexual abuse while incarcerated in accordance with professionally accepted standards of care, where medically appropriate; [28 C.F.R. §115.382 (c)] and
  - (2) Provide treatment services to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. [28 C.F.R. §115.382 (d)]

35. **Ongoing medical and mental health care for sexual abuse victims and abusers.**

**Juveniles have the right** to ongoing medical and mental health care for sexual abuse victims and abusers in accordance with Policy 3040.01 Access to Care: [28 C.F.R. §115.383]

- a. **ADJC** shall: [28 C.F.R. §115.383 (a)]
  - i. Offer medical and mental health evaluation and, as appropriate, treatment to all juveniles including those who have been victimized by sexual abuse in secure care:
    - (1) The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in other facilities, or their release from ADJC custody. [28 C.F.R. §115.383 (b)]
  - ii. Provide such victims with medical and mental health services consistent with the community level of care; [28 C.F.R. §115.383 (c)]
  - iii. Offer pregnancy tests and timely pregnancy results to juvenile victims of sexually abusive vaginal penetration while incarcerated; [28 C.F.R. §115.383 (d)]
  - iv. Offer tests for sexually transmitted infections as medically appropriate; [28 C.F.R. §115.383 (f)] and
  - v. Provide treatment services to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. [28 C.F.R. §115.383 (g)].
- b. The **BEHAVIORAL HEALTH SERVICES** shall attempt to conduct a mental health evaluation of all known juvenile-on-juvenile abusers within 60 days of learning of such

abuse history and offer treatment when deemed appropriate by a QMHP. [28 C.F.R. §115.383 (h)]

36. **Sexual abuse incident reviews:** [28 C.F.R. §115.386]
- a. The **SEXUAL ABUSE INCIDENT REVIEW COMMITTEE** shall:
    - i. Conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated unless the allegation has been determined to be unfounded; and [28 C.F.R. §115.386 (a)]
    - ii. Prepare a report using Form 1050.06A Sexual Abuse Incident Review Report of its findings and distribute and maintain such reports in accordance with Policies 1050.06 Sexual Abuse Incident Review Committee, 1190 Incident Reporting, and 1190.02 Incident Report Follow-Up and Critical Incident Debriefing. [28 C.F.R. §115.386 (d) (6)]
37. **Data Collection:** [28 C.F.R. §115.387]
- a. **ADJC** shall collect accurate, uniform data for every allegation of sexual abuse at the facility using a standardized instrument and set of definitions; and [28 C.F.R. §115.387 (a)]
  - b. The **OFFICE OF THE INSPECTOR GENERAL AND THE LEGAL SYSTEMS BUREAU** shall:
    - i. Combine the incident-based sexual abuse data at least annually into a report to include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice; and [28 C.F.R. §115.387 (b) and (c)]
    - ii. Maintain, review, and collect data, as needed, from all available IRs, juvenile grievances, and reports made by outside entities regarding allegations of sexual assault or abuse. [28 C.F.R. part §115.387 (d)]
38. **Data review for corrective action:** [28 C.F.R. §115.388]
- a. **OFFICE OF THE INSPECTOR GENERAL AND LEGAL SYSTEMS BUREAUS IN COLLABORATION WITH THE PREA COORDINATOR**, shall:
    - i. Review data collected in order to assess and improve the effectiveness of the Department's sexual abuse prevention, detection, and response practices and training; [28 C.F.R. §115.388 (a);
    - ii. Prepare an annual report with a comparison of the current year's data and corrective actions with those prior years and provide an assessment of the agency's progress in addressing sexual abuse; [28 C.F.R. §115.388 (a) (3)/(b)] and
    - iii. Submit such report to the Director or designee for review and approval. [28 C.F.R. §115.388 (a) (3)]
  - b. **ADJC** shall redact such reports when publication presents a clear and specific threat to the safety and security of ADJC, but indicate the nature of the material redacted. [28 C.F.R. §115.388 (d)]
39. **Data storage, publication, and destruction:** [28 C.F.R. §115.389]
- a. **ADJC** shall ensure:
    - i. Data collected are kept secure; [28 C.F.R. §115.389 (a)]
    - ii. Sexual abuse data made available to the public annually is redacted appropriately; [28 C.F.R. §115.389 (c)] and
    - iii. Sexual abuse data is retained for at least 10 years after the date of its collections and for the minimum periods stated in the Records Retention Schedule as approved by the Arizona State Library, Archives and Public Records. [28 C.F.R. §115.389 (d)]
40. **EMPLOYEES** may refer to Form 1002G List of Referenced PREA Policies for an aggregate list of all the policies referenced herein and affected by PREA standards.

**Signature Date**

**01/15/2020**

**Approved by**

**Original Signature on File**

Ryan Brezina, Inspector General

**Signature Date**

**01/29/2020**

**Approved by**

**Original Signature on File**

Jeff Hood, Director

**Effective Date**

**01/30/2020**

## **FORMS**

|                 |   |
|-----------------|---|
| <b>1002A</b>    | <b>Prison Rape Elimination Act (PREA) Acknowledgement Statement for Employees, Volunteers, Mentors, Contractors, and Interns</b>                        |
| <b>1002B</b>    | <b>Reception Screening for Assaultive and Sexually Aggressive Behavior and Risk for Sexual Victimization (Form is only available in digital format)</b> |
| <b>1002C</b>    | <b>What You Should Know About Sexual Abuse</b>  |
| <b>1002Csp</b>  | <b>What You Should Know About Sexual Abuse (Spanish)</b>  |
| <b>1002D</b>    | <b>First Responder Checklist</b>  |
| <b>1002D1</b>   | <b>Coordinated Facility Response Plan</b>   |
| <b>1002E</b>    | <b>PREA Youth Acknowledgement Statement</b>   |
| <b>1002Esp</b>  | <b>PREA Youth Acknowledgement Statement (Spanish)</b>   |
| <b>1002F</b>    | <b>Prison Rape Elimination Act Information</b>  |
| <b>1002G</b>    | <b>List of Referenced PREA Policies</b>   |
| <b>1002H</b>    | <b>EJJ PREA Consent Form</b>  |
| <b>1002J</b>    | <b>Youth Preference Form-Intersex and Transgender</b>   |
| <b>1002 Jsp</b> | <b>Youth Preference Form-Intersex and Transgender (SPANISH)</b>   |



## **Prison Rape Elimination Act (PREA) Acknowledgement Statement for Employees, Volunteers, Contractors, Mentors, and Interns**

The Arizona Department of Juvenile Corrections (ADJC) has a **ZERO TOLERANCE** of sexual abuse and sexual harassment. The intent of PREA is to ensure a safe, humane, and secure environment, free from the threat of sexual abuse and sexual harassment for all its juveniles, employees, volunteers, contractors, mentors, and intern workers.

Each employee has an obligation to maintain clear boundaries with ADJC juveniles and to maintain an ethical supervision relationship with objectivity and professionalism. The employee shall not allow the development of personal, unduly familiar, emotional, or sexual relationship to occur with ADJC juveniles. Any sexual contact between ADJC juveniles and employees, volunteers, contractors, mentors, or interns is sexual abuse. All forms of sexual contact and sexual harassment between ADJC juveniles and employees, volunteers, contractors, and interns are prohibited by ADJC policy and may be subject to further investigation and the possible filing of charges and/or dismissal from ADJC employment.

### **Employees**

Any employee who witnesses, suspects, or receives a report that a juvenile is a victim of abuse, neglect and/or sexual abuse/harassment shall immediately:

1. Report incident to their supervisor; and
2. Document in Form 1190.01A Incident Report marked 'Confidential.'

### **Volunteers, Contractors, Mentors, and Interns with direct juvenile contact**

Any Volunteer, Contractor, Mentor, and Intern with direct juvenile contact who witnesses, suspects, or receives a report that a juvenile is a victim of abuse, neglect and/or sexual abuse/harassment shall immediately:

1. Report incident to a security officer or shift commander; or
2. Write a written narrative with detailed information regarding the incident and submit the report to a security officer or shift commander (Please include, time, date, location and person involved).

My signature below acknowledges I have read and understand ADJC's PREA Zero Tolerance policy for Sexual Abuse and Sexual Harassment and that I have been informed how to report such incidents. Further, **I certify I understand the training received on my responsibilities under ADJC's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.**

**Print Name** \_\_\_\_\_

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_



## **Prison Rape Elimination Act (PREA) Acknowledgement Statement for Volunteers, Contractors, Mentors, and Interns**

### **Contact Information**

If you are a Volunteer, Contractor, Mentor, or Intern complete this additional section:

\_\_\_\_\_  
**Phone number**

\_\_\_\_\_  
**Email address**

\_\_\_\_\_  
**Name of company**

\_\_\_\_\_  
**Reason for visit**

### **NO Direct Youth Contact ONLY**

If you are a One Time Guest Volunteer, Contractor, Mentor, or Intern with no direct youth contact complete this section.

My signature below acknowledges that I have been informed of ADJC's Zero Tolerance for sexual abuse and sexual harassment and have read and understand the PREA information provided.

Any volunteer, contractor, mentor, or intern who violates ADJC's policy shall be denied access. Sexual abuse and harassment is against the law. All incidents of abuse shall be reported to the proper law enforcement agencies and charges will be filled.

Any Volunteer, Contractor, mentor, and Intern who witnesses, suspects, or receives a report that a juvenile is a victim of abuse, neglect and/or sexual abuse/harassment shall immediately:

1. Report incident to a security officer or shift commander; or
2. Write a written narrative with detailed information regarding the incident and submit the report to a security officer or shift commander (Please include, time, date, location and person involved).

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature**

**Provide ADJC's Form 1002F PREA Prison Rape Elimination Act Information**

## ADJC has **Zero Tolerance** for Sexual Abuse and Sexual Harassment

### Did you know...

- Sexual abuse/harassment happens to people of all ages, ethnic groups, social or economic status, sexual orientation or disability.
- Sexual abuse/harassment can happen to males and females.
- Sexual abuse/harassment is about power and violence. It is not about love.
- Sexual abuse/harassment affects everyone, either directly or through the experiences of those we care about.
- The fact that a victim of abuse/harassment becomes sexually excited does not mean they are not abused/harassed or that they gave approval. These are normal, involuntary reactions.
- It is common for survivors of sexual abuse/harassment to have feelings of embarrassment, anger, guilt, panic, depression and fear even several months or years after an attack.
- The offender uses sex as a weapon to assault the body, the mind, and the spirit.
- After reporting sexual abuse/harassment measures will be taken to protect you from any kind of retaliation.
- Any sexual contact between employee and youth is against the law.

### Report by

Telling any AMS employee,  
Verbally telling someone you trust,  
Filling out a written grievance,  
OR

Requesting to use the **Child Abuse Reporting Hotline** (located in the Health Unit)

If you are thinking of sexually assaulting or sexually abusing another youth, **you should know**

- An investigation will be conducted by an ADJC Police Investigator.
- You will face felony criminal charges.
- If you are found guilty your time will be increased and you will face life long reporting requirements to Law Enforcement to register as a Sex Offender, after your release from jail or prison.
- You will most likely be sent to the adult prison.
- Unprotected sex increases your risk of HIV infections, along with exposing you to other sexually transmitted diseases.
- If you have trouble controlling your actions, ask for help from your case worker, psychologist associate or other mental health employee.



### Arizona Department of Juvenile Corrections

Adobe Mountain School (AMS)  
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Phoenix, AZ 85027

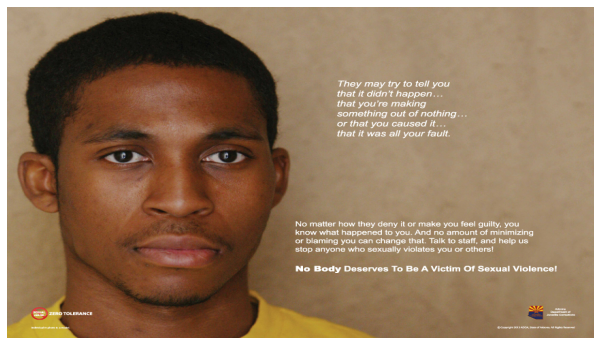
**AMS Telephone: (623) 869-9050**  
**AMS Fax: (623) 516-9725**  
**Email: [Zerotolerance@azdjc.gov](mailto:Zerotolerance@azdjc.gov)**  
**Website: [www.azdjc.gov](http://www.azdjc.gov)**



## What You Should Know About Sexual Assault, Sexual Abuse and Sexual Harassment

ADJC has **Zero Tolerance** for Sexual Abuse and Sexual Harassment

You have the **RIGHT** to be free from all types of sexual abuse/harassment. The agency has a responsibility to protect you!



## What is Sexual Assault [rape]?

**Sexual assault is when** 'a person...engages in sexual intercourse or oral sexual contact with any person without their consent.' Sexual assault is a class 2 felony [homicide is a class 1 felony] and the person convicted shall be sentenced pursuant to this section and the person is not eligible for suspension of sentence, probation, pardon, or release from confinement.

**What this means:** sexual assault [rape] is when a person has sex or oral sex with another person without their approval [forced sex].

## What is Sexual Abuse?

**Sexual abuse is when:** Sexual abuse is when 'a person commits sexual abuse by engaging in sexual contact with any person...without their consent.' Sexual contact means any direct or indirect [on top of or inside clothes], touching, fondling or manipulating of any part of the genitals, anus, or female breast by any part of the body or by any object or causing a person to engage in such contact.'

**What this means:** sexual abuse is when a person has any form of sexual contact with another person without their approval. 'Sexual contact' means any touching, fondling [stroking] or manipulating of any part of the genitals, anus, or females breast by any part of the body or by any object [on top of or inside clothes].

## What is Consent?

Consent is a voluntary, positive agreement between participants to engage in a specific activity, such as sexual contact.

**Consent at ADJC:** Consensual sexual contact is **NOT** allowed at AMS. It is not up to you to give consent. **NO** sexual relationships of any kind are allowed at AMS. This includes relationships between youth and youth and youth and employees, volunteers, interns, mentors, contractors, etc.

## How you can avoid Sexual Assault and sexual abuse

The only way sexual assault and sexual abuse can be prevented is when a suspect chooses **NOT** to sexually assault or sexual abuse. However, you may avoid an attack by keeping the following safety guidelines in mind:

- Be aware of situations that make you feel uncomfortable. Trust your instincts. If it feels wrong REPORT IT.
- Don't be afraid to say '**NO** or '**STOP IT NOW.**'
- Walk and stand with confidence. Many suspects choose victims who look like they won't fight back or appear emotionally weak.
- Avoid talking about sex or being partly dressed. These things may be considered a come on, or make another youth believe that you have an interest in a sexual relationship.
- Do not accept canteen items or other gifts from other youth. Placing yourself in debt to another youth can lead to the belief of repaying the debt with sexual favors.
- Avoid secluded areas. Always stay in plain view of ADJC employees. If you are being pressured for sex, report it immediately to an employee.
- Follow **ADJC PROUD** expectations: show respect, observe mindfulness, use honesty and be driven

**Outside Resources: Toll Free**  
(at no cost to you)

**National Sexual Assault Hotline**  
1-800-656-HOPE (4673)

**RAINN**

Rape, Abuse and Incest National Network:  
[www.rainn.org](http://www.rainn.org)

**EMPACT Sexual Assault Hotline:**  
480-736-4949 [www.lafronteraarizona.org](http://www.lafronteraarizona.org)  
Mailing Address: 618 South Madison Street  
Tempe, AZ 85281

**National Teen Dating Abuse Hotline**  
(24 hours)  
866.331.9474

These services are available to you upon release from the facility. Please contact your Parole Officer for more information and access to these services.

## What do you do if you are sexually assaulted and/or abused?

Although a suspect may threaten to harm you and you may be scared, **report sexual assault and abuse to an employee immediately.**

The longer you wait to report the sexual assault/abuse, the more power you give the suspect. All reports will be fully investigated by ADJC Police Investigators and kept confidential.

Request to see the nurse for immediate medical attention. You may have serious injuries that you are not aware of, and any sexual contact can expose you to sexually transmitted diseases.

### DO NOT DO the following:

- **Do not shower**
- **Do not brush your teeth**
- **Do not use the restroom**
- **Do not change your clothes**

You may destroy important evidence.

If you have been assaulted or witness an assault, but you are unwilling to report it to your unit employee, then you may fill out a grievance form, request to see the Chaplain, or Juvenile Ombuds.

### For Emotional Support Contact

The Psychologist Associate (PSA) of your unit or request to speak to one of the Psychologists.

### Advocates

If you are a victim of sexual abuse, a qualified employee is available upon request to provide advocacy services.

## ADJC tiene **Zero Tolerancia** para el Abuso Sexual y Acoso Sexual

### Sabías que...

- El acoso / abuso sexual le sucede a personas de todas edades, grupos étnicos, de estado económico o social, orientación sexual o a los incapacitados.
- El acoso / abuso sexual le puede pasar a hombres y a mujeres.
- El acoso / abuso sexual es sobre el poder y violencia. No se trata de amor.
- El acoso / abuso sexual afecta a todos, ya sea directamente o por las experiencias de aquellos que nos importan.
- El hecho que una víctima de acoso / abuso sexual se siente excitado sexualmente no quiere decir que no son acosados/abusados o que dieron permiso. Estas son reacciones normales e involuntarias.
- Es común para los sobrevivientes de asalto / abuso sexual tener sentimientos de vergüenza, enojo, culpa, pánico, depresión y miedo hasta varios meses o años después de un asalto.
- El ofensor utiliza el sexo como un arma para asaltar el cuerpo, la mente, y el espíritu.
- Cualquier contacto sexual entre el personal y un joven es contra la ley.

### Repórtalo el abuso

Decirle a un empleado llena una queja  
Pedir usar el **Child Abuse Reporting Hotline**  
(ubicada en la Enfermería)

Si estas pensando de asaltar sexualmente o abusar sexualment a otro joven, **debes saber...**

- Una investigación se llevara a cabo por un Investigador de Policía de ADJC.
- Afrontarás una felonía de cargos criminales.
- Si te encuentras culpable tu tiempo sera aumentado y enfrentarás de por vida los requisitos de reportar a la Aplicación de la Ley el registrarte como un Ofensor Sexual, después de tu liberación de la cárcel o la prisión.
- Es mas probable que te manden a la prisión de adulto.
- El sexo sin protección aumenta el riesgo de infecciones del VIH, junto con exponiéndote a otras enfermedades de transmisión sexual.
- Si tienes problema en controlar tus acciones, pide ayuda a tu trabajador del caso, el asociado del psicologo o otro personal de salud mental.



**Departamento de Correcciones Juveniles**

Adobe Mountain School (AMS)  
2800 W. Pinnacle Peak Rd  
Phoenix, AZ 85027

**AMS Teléfono: (623) 869-9050**  
**AMS Fax: (623) 516-9725**  
**Correo: [ZeroTolerance@azdjc.gov](mailto:ZeroTolerance@azdjc.gov)**  
**Sitio Web: [www.azdjc.gov](http://www.azdjc.gov)**

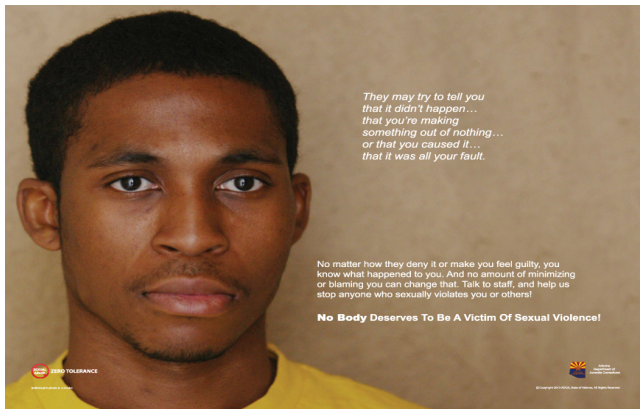


## Lo Que Debes Saber Acerca del Asalto Sexual, Abuso Sexual y el Acoso Sexual

ADJC tiene **Zero Tolerancia** para el Abuso Sexual y el Acoso Sexual

Tienes el **DERECHO** de ser libre de todo tipo de abuso sexual. La agencia tiene la responsabilidad de protegerte!





## Que es un Asalto Sexual [violación]?

**Asalto sexual es cuando:** una persona...entra en relaciones sexuales o contacto sexual oral con cualquier persona sin su consentimiento.' El asalto sexual es una felonía de clase 2 [el homicidio es una felonía de clase 1] y la persona condenada será sentenciado de conformidad a esta sección y la persona no es elegible para suspensión de sentencia, libertad condicional, indulto o libertad de encarcelamiento.

**Lo que esto significa:** asalto sexual [violación] es cuando una persona tiene sexo o sexo oral con otra persona sin su consentimiento [sexo forzado.]

## Que es el Abuso Sexual?

El abuso sexual es cuando 'una persona comete abuso sexual por entrar en contacto sexual con cualquier persona...sin su consentimiento.'

Contacto sexual significa cualquier directo or indirecto manoseo, acaricia [por arriba or por dentro de la ropa] o manipulación de cualquier parte de los genitales, ano, o seno femenino por cualquier parte del cuerpo o por cualquier objeto o causar a una persona de entrar en tal contacto.

**Lo que esto significa:** el abuso sexual es cuando una persona tiene cualquier forma de contacto sexual con otra persona sin su consentimiento. 'Contacto sexual' significa cualquier manoseo, acaricia [sobar] o manipulación de cualquier parte de los genitales, ano, o seno femeninos por cualquier parte del cuerpo o por cualquier objeto [arriba or por dentro de la ropa.]

## Como evitar el asalto y abuso sexual

La única manera el asalto / abuso sexual puede ser prevenido es cuando un sospechoso escoje **NO** as altar o abusar sexualmente. Sin embargo, puedes evitar un ataque manteniendo las siguientes reglas de seguridad en mente:

- Reconoce las situaciones que te hacen sentir incómodo. Confía en tus instintos. Si se siente mal, **REPORTALO**.
- No tengas miedo de decir '**NO**' o '**PARALE AHORA**.'
- Camina y párate con confianza. Muchos sospechosos escogen victimas que parecen que no se van a defender o aparecen emocionalmente débiles.
- Evita hablar de sexo o vestirse semi desnudo. Estas cosas pueden ser considerados un coqueteo, o hacer que otro joven crea que tienes un interés en una relación sexual.
- No aceptes artículos de la comisaria o otros regalos de otro joven. Poniendote en deuda con otro joven puede llevar a la creencia de devolver la deuda con favores sexuales.
- Evita los lugares aislados. Siempre permanece a la vista de todos los del personal. Si esta siendo presionado para sexo, reportalo inmediatamente a una persona del personal.
- Sigue las expectativas de **ADJC PROUD**: demostrar respeto, observa con consideración, ser honesto y ser motivado.

### Recursos Externos: Llamada Gratuita (a ningún costo para ti)

**National Sexual Assault Hotline**  
1-800-656-HOPE (4673)

**RAINN-Rape, Abuse and Incest National Network:**  
[www.rainn.org](http://www.rainn.org)

**EMPACT Sexual Assault Hotline:**  
480-736-4949 [www.lafronteraarizona.org](http://www.lafronteraarizona.org)  
Dirección: 618 South Madison Street  
Tempe, AZ 85281

**National Teen Dating Abuse Hotline (24 hour)**  
866-331-9474

Estos servicios están disponibles para ti al salir de la institución. Por favor ponte en contacto con tu Oficial de Libertad Condicional para más información y acceso a estos servicios.

## Que haces si eres asaltado y abusado sexualmente?

Aunque un sospechoso pueda amenazar en hacerte daño y puedes tener miedo, **reporta el asalto o abuso sexual a un miembro del personal inmediatamente.**

El mas tiempo que esperas en reportar el asalto / abuso sexual, el mas poder le das al sospechoso. Todos los informes serán completamente investigados por los Investigadores de Policía de ADJC y quedará confidencial.

Pide ver a una enfermera inmediatamente para atención médica. Puedes tener heridas graves de cuales no sepas, y cualquier contacto sexual te puede exponer a enfermedades de transmisión sexual.

### NO HAGAS lo siguiente:

- **No te bañes**
- **No te cepilles los dientes**
- **No uses el baño**
- **No te cambies de ropa**

Puedes destruir evidencia importante

Si has sido asaltado o viste un asalto, pero no quieres reportarlo a el personal de tu unidad, entonces puedes llenar una forma para quejas, pedir ver al Capellán, a un Asociado del Psicólogo, o el Defensor Juvenil.

### Para Contacto de Apoyo Emocional

El Asociado del Psicólogo (PSA) de tu unidad o pide hablar con uno de los Psicólogos.

### Defensores

Si eres víctima de abuso sexual, un miembro calificado del personal esta disponible en cuanto lo pides para proporcionar servicios de apoyo.



## First Responder Checklist

**Upon learning of an allegation that a juvenile was sexually abused, the Employee First Responder to the report shall be required to:**

Check mark the completed **FOUR** steps, as applicable

|               |                          |  |
|---------------|--------------------------|--|
| <b>Step 1</b> | <input type="checkbox"/> | Separate the alleged victim and abuser.  |
| <b>Step 2</b> | <input type="checkbox"/> | Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence. |

### For the alleged victim

**If the abuse occurred within a time period that still allows for the collection of physical evidence:**

|               |                          |  |
|---------------|--------------------------|--|
| <b>Step 3</b> | <input type="checkbox"/> | Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating. |
|---------------|--------------------------|--|

### For the alleged abuser

**If the abuse occurred within a time period that still allows for the collection of physical evidence:**

|               |                          |  |
|---------------|--------------------------|--|
| <b>Step 4</b> | <input type="checkbox"/> | Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating. |
|---------------|--------------------------|--|

If the Employee First Responder is not a security employee member, the **EMPLOYEE FIRST RESPONDER** shall be required to request that the alleged victim(s) not take any actions that could destroy physical evidence, and then notify security employee.



## Coordinated Facility Response Plan

**Purpose: To coordinate actions taken in response to incidents of sexual abuse\*** (Non-forced/coerced sexual type incidents will be evaluated and responded to on a case-by-case basis.)

### First Responder's Steps

1. Ask the following questions to youth ONLY. Do not conduct an interview or attempt to get additional information:
  - a. Who did it?
  - b. When did this occur?
  - c. Where did this occur?
  - d. Are you in pain?
  - e. Are you bleeding?
2. Separate youth victim from alleged suspect immediately if applicable;
3. Contact Shift Commander;\*
4. Call for Security escort to the Health Unit for medical evaluation;
5. Complete Confidential IR; and
6. If the allegation is of an immediate incident of abuse, review Form 1002D First Responder Checklist and follow steps 1-5 of this plan.

Safety of the youth is a priority. Be mindful of the nature of the incident. Details of the incident are on a need to know basis to all other staff. Unless instructed to do so, do not disclose information of the incident.

### Notifications (In Order)

1. **FIRST RESPONDER/UNIT SUPERVISOR** shall contact Shift Commander;\*
2. **SHIFT COMMANDER** shall contact the Investigations Unit;
3. **SHIFT COMMANDER AND INVESTIGATOR** shall assess the incident and formulate a plan;
4. **SHIFT COMMANDER OR INVESTIGATOR** shall notify the On-Duty Administrator;
5. **ON-DUTY ADMINISTRATOR** shall contact the Secure Care Bureau Administrator; and
6. **SECURE CARE BUREAU ADMINISTRATOR** shall contact the Director/Assistant Director, Legal Services Bureau Administrator, and parent(s) per policy.

*\*If a juvenile notifies you of an incident or you observe or learn of something that appears to be of a sexual nature but you are not sure if it is in fact a PREA Sexual Abuse Incident, YOU SHALL RESPOND AS IF IT IS A PREA Sexual Abuse Incident. When you contact the Shift Commander, the Shift Commander will make a determination if it is in fact a PREA Sexual Abuse Incident and requires further notifications and responsive actions.*

**Medical Health Services**

1. **HEALTH UNIT EMPLOYEES** shall:
  - a. Stabilize youth and treat injuries;
  - b. Contact the Health Services Medical Director or Designee; and
  - c. Contact qualified youth advocate, if requested by the youth victim.
2. **INVESTIGATOR** shall:
  - a. Contact SANE nurse to conduct medical examination, if applicable;
  - b. Contact a Security Sergeant or Security Lieutenant for pictures, if applicable.

**After Care Services**

1. Housing unit movements: youth victim and suspect shall be separated immediately. **ADMINISTRATOR OR DESIGNEE** shall evaluate each incident and assign housing unit/area for youth victim and/or suspect;
2. Mental Health Services: PSA or QMHP shall be notified within 24 hours of the incident; and
3. Youth shall process with PSA or QMHP when it is appropriate and at the discretion of the PSA/QMHP in coordination with the assigned Investigator.





## PREA Youth Acknowledgement Statement

I have received information regarding PREA and understand ADJC has a Zero Tolerance for sexual abuse and sexual harassment.

I also understand that if I have been a victim of or witness to sexual abuse, or I have knowledge of any incident of sexual abuse or sexual harassment, I must report these incidents or seek assistance by choosing one of the following:

1. Using the grievance process;
2. Telling a facility employee, medical or mental health employee, parent or guardian, chaplain, or any adult that I trust;
3. Using the phone line available in the health unit. The report can be made anonymously (without saying my name), or;
4. Mailing a letter to the Department of Child Safety (DCS). The report can be made anonymously (without saying my name).

### Department of Child Safety

Child Abuse Hotline  
P.O. Box 44240  
Phoenix, Arizona 85064

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**Juvenile's Name**

---

**K Number**

---

**Juvenile's Signature**

---

**Date**



## **Declaración de Conocimiento de PREA para el Joven**

He recibido información acerca de PREA y entiendo que ADJC tiene Zero Tolerancia para el abuso sexual y el acoso sexual.

También entiendo que si he sido víctima o testigo de abuso sexual, o tengo conocimiento de cualquier incidente de abuso sexual o de acoso sexual, debo reportar estos incidentes o solicitar ayuda eligiendo una de las opciones siguientes:

1. Usar el proceso de quejas;
2. Decirle a un miembro de personal de la correccional, personal de la salud médica o mental, padre, madre o tutor, capellán, o cualquier adulto en que confío;
3. Usar la línea telefónica disponible en la enfermería. El reporte puede ser anónimo (No tengo que decir mi nombre), o;
4. Enviar una carta al Departamento de Seguridad para Niños (DCS, por sus siglas en inglés). El reporte puede ser anónimo (No tengo que decir mi nombre).

### **Department of Child Safety**

Child Abuse Hotline  
P.O. Box 44240  
Phoenix, Arizona 85064

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**Nombre del Juvenil en letra de molde**

---

**Número de K**

---

**Firma del Juvenil**

---

**Fecha**



## Prison Rape Elimination Act (PREA) Information

The Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was to: *"Provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape."* (Prison Rape Elimination Act, 2003)

The Prison Rape Elimination Act was enacted by Congress to address the problem of sexual abuse of persons in the custody of U.S. correctional agencies (including the Arizona Department of Juvenile Corrections). In addition to creating a mandate for significant research from the Bureau of Justice Statistics and through the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, and jail systems. The act also created the National Prison Rape Elimination Commission and charged it with developing draft standards for the elimination of prison rape. Those standards were published in June 2009, and were turned over to the Department of Justice for review and passed as a final rule. That final rule became effective August 20, 2012.

### Major Provisions of PREA include:

- Adherence to a zero-tolerance standard for the incidence of inmate sexual assault and rape;
- Development of standards for detection, prevention, reduction, and punishment of prison rape;
- Collection and dissemination of information on the incidence of prison rape; and
- Award of grant funds to help state and local governments implement the purposes of the Act.

The Act applies to all public and private institutions that house adult or juvenile offenders and is also relevant to community-based agencies. It addresses both inmate-on-inmate sexual abuse and employee sexual misconduct. On June 23, 2009, the National Prison Rape Elimination Commission released and forwarded to the U.S. Attorney General its final report and proposed standards to prevent, detect, respond to and monitor sexual abuse of incarcerated and detained individuals. Based on the Attorney General's independent judgment, a final rule was published to the Federal Register on June 20, 2012.

### PREA Zero Tolerance

#### Policy 1002 Prison Rape Elimination Act (PREA) Zero Tolerance for Sexual Abuse and Sexual Harassment

The Arizona Department of Juvenile Corrections has **ZERO TOLERANCE** towards all forms of sexual abuse and sexual harassment. ADJC is committed to creating a safe environment and protecting juveniles against sexual victimization. This includes prohibiting any **sexual activity, sexual conduct, sexual abuse, sexual harassment, sexual contact, or sexual assault by ADJC employees, volunteers, interns, mentors, and contract personnel or any person who may enter the secure care facility.**

The Department has an outlined approach on how to prevent detect and respond to such conduct to include but not limited to: screening juveniles to identify potential victims and perpetrators, ensure services are provided for the victims of such abuse, educates and trains employees on how to **detect, respond and report** to sexual abuse and sexual harassment, and assesses potential environmental factors. This policy provides uniform guidelines and procedures to reduce the risk of sexual abuse in compliance with the Prison Rape Elimination Act (PREA) of 2003.

**As a contractor, volunteer, mentor, intern, or visitor, you are required to report all incidents of sexual abuse or sexual harassment to the facility Shift Commander or a Security Officer or complete a narrative with detailed information regarding the incident. If you are unsure who to speak with or who to submit the written narrative, please contact any security officer for assistance.**

## List of Referenced PREA Policies

|                                 |  |
|---------------------------------|--|
| <a href="#"><b>§115-311</b></a> | <b>1002 PREA Zero Tolerance for Sexual Abuse and Sexual Harassment</b>   |
| <a href="#"><b>§115-312</b></a> | N/A - Contracts - Denel and Katrina working on a clause  |
| <a href="#"><b>§115-313</b></a> | <b>4002.05 Safe School Occupancy and Staffing</b><br><b>4002.05A ADJC Security Staffing Standards Matrix</b><br><b>4002.09 Supervision of Juveniles</b><br><b>4002.09A Supervisory Rounds</b>  |
| <a href="#"><b>§115-314</b></a> | Reserved   |
| <a href="#"><b>§115-315</b></a> | <b>4052.01 Search of Juveniles, Their Belongings, and Housing Unit Common Areas</b><br><b>4061 Temporary Stabilization Unit</b><br><b>4002.09 Supervision of Juveniles</b>   |
| <a href="#"><b>§115-316</b></a> | <b>1301.09 Translator/Interpreter Services and ADJC Bilingual Employees</b>  |
| <a href="#"><b>§115-317</b></a> | <b>1163 Background Investigations and Clearances</b>   |
| <a href="#"><b>§115-318</b></a> | No policy indicated  |
| <a href="#"><b>§115-321</b></a> | <b>1162 Reporting and Investigating Suspected Child Abuse</b><br><b>1162A Multidisciplinary Protocol for the Investigations of Child Abuse</b>   |
| <a href="#"><b>§115-322</b></a> | <b>1162 Reporting and Investigating Suspected Child Abuse</b>  |
| <a href="#"><b>§115-331</b></a> | <b>1180 Employee Staff Development and Training</b><br><b>1200 Employee -Juvenile Relationships</b><br><b>1162 Reporting and Investigating Suspected Child Abuse</b>   |
| <a href="#"><b>§115-332</b></a> | <b>1002A Prison Rape Elimination Act (PREA) Acknowledgement Statement for Employees, Volunteers, Mentors, Contractors, and Interns</b><br><b>1002F PREA Information</b><br><b>1180A1 In-Service Training Roster</b><br><b>1180A2 Academy Training Roster</b><br><b>1310 Volunteer and Intern Programs</b>          |
| <a href="#"><b>§115-333</b></a> | <b>1002C leaflet "What You Should Know About, Sexual Abuse And Sexual Harassment"</b><br><b>1162 Reporting and Investigating Suspected Child Abuse</b><br><b>4010 Juvenile Reception, Assessment, and Classification (RAC)</b><br><b>1002E PREA Youth Acknowledgement Statement</b><br><b>4010D Youth Handbook</b> |
| <a href="#"><b>§115-334</b></a> | <b>1162 Reporting and Investigating Suspected Child Abuse</b>  |
| <a href="#"><b>§115-335</b></a> | No policy indicated  |
| <a href="#"><b>§115-341</b></a> | <b>1002B Screening for Assaultive and Sexually Aggressive Behavior and Risk for Sexual Victimization</b><br><b>1162 Reporting and Investigating Suspected Child Abuse</b><br><b>4078.01 Transfer of Juveniles Process</b>  |
| <a href="#"><b>§115-342</b></a> | <b>1002B Screening for Assaultive and Sexually Aggressive Behavior and Risk for Sexual Victimization</b><br><b>4078.01 Transfer of Juveniles Process</b><br><b>4061 Tempopary Stabilization Unit (TSU)</b><br><b>4010 Juvenile Reception, Assessment, and Classification (RAC)</b>                                 |
| <a href="#"><b>§115-343</b></a> | Reserved   |
| <a href="#"><b>§115-351</b></a> | <b>4051.02 Juvenile Mail</b><br><b>2304.01 Juvenile Grievances</b>   |

|                 |   |
|-----------------|---|
|                 | <b>1162 Reporting and Investigating Suspected Child Abuse</b>   |
| <b>§115-352</b> | <b>2304.01 Juvenile Grievances</b><br><b>1162 Reporting and Investigating Suspected Child Abuse</b><br><b>4620.01A Family Handbook</b> [also in Spanish]  |
| <b>§115-353</b> | No policy indicated   |
| <b>§115-354</b> | <b>1162 Reporting and Investigating Suspected Child Abuse</b><br><b>4620.01A Family Handbook</b> [also in Spanish]  |
| <b>§115-361</b> | <b>1162 Reporting and Investigating Suspected Child Abuse</b>   |
| <b>§115-362</b> | No policy indicated   |
| <b>§115-363</b> | <b>1190 Incident Reporting</b><br><b>1190.01 Incident, Misconduct, and Positive Behavior Recording</b>  |
| <b>§115-364</b> | <b>1002D First Responder Checklist</b><br><b>1190 Incident Reporting</b><br><b>1190.01 Incident, Misconduct, and Positive Behavior Recording</b><br><b>1162 Reporting and Investigating Suspected Child Abuse</b>           |
| <b>§115-365</b> | <b>1002D1 Coordinated Facility Response Plan</b><br><b>1002D First Responder Checklist</b>  |
| <b>§115-366</b> | N/A - Our agency does not enter or renew any collective bargaining  |
| <b>§115-367</b> | <b>2003.04 Employee Misconduct</b><br><b>2007 Equal Employment Opportunity</b><br><b>4078.01 Transfer of Juveniles Process</b>  |
| <b>§115-368</b> | No policy indicated   |
| <b>§115-371</b> | <b>1162 Reporting and Investigating Suspected Child Abuse</b><br><b>1161.01 Criminal Investigations</b><br><b>1118.01 Records Retention and Disposition</b>   |
| <b>§115-372</b> | <b>1160.01 Administrative Investigations</b>  |
| <b>§115-373</b> | <b>1162 Reporting and Investigating Suspected Child Abuse</b>   |
| <b>§115-376</b> | <b>2003.04 Employee Misconduct</b><br><b>2003.05 Employee Professionalism, Ethics, and Conduct</b>  |
| <b>§115-377</b> | No policy indicated   |
| <b>§115-378</b> | No policy indicated   |
| <b>§115-381</b> | No policy indicated   |
| <b>§115-382</b> | <b>3070.01 Emergency Care</b><br><b>4250.01A Initial Precautionary Risk Assessment</b><br><b>4250.01 Suicide Prevention Procedure</b><br><b>1162 Reporting and Investigating Suspected Child Abuse</b>                      |
| <b>§115-383</b> | <b>3040.01 Access to Care</b>   |
| <b>§115-386</b> | <b>1050.06 Sexual Abuse Incident Review Committee</b><br><b>1050.06A Sexual Abuse Incident Review Report</b><br><b>1190 Incident Reporting</b><br><b>1190.02 Incident Report Follow-Up and Critical Incident Debriefing</b> |
| <b>§115-387</b> | No policy indicated   |
| <b>§115-388</b> | No policy indicated   |
| <b>§115-389</b> | No policy indicated   |



## Extended Jurisdiction PREA Consent Form

The Arizona Department of Juvenile Corrections (ADJC) is dedicated to creating a safe environment and protecting extended jurisdiction juveniles (you) against sexual victimization. It is the Department's goal to prevent, detect and respond to sexual abuse and harassment by screening juveniles to identify potential victims and perpetrators.

During the screening today and all information you provide during your stay at ADJC regarding prior sexual victimization that did not occur in institutional setting (e.g. another facility like a detention center or jail) will be reported per ADJC policy.

- The information you have disclosed will only be shared with ADJC staff that need the information for treatment plans, security and management decisions, investigations or as otherwise required by Federal, State or local law.
- If you have any questions regarding PREA processes and information you report, please contact the Psychology Associate (PSA) assigned to your housing unit or an MDT member.

The Department also ensures services are provided for victims of sexual abuse and provides education to juveniles on reporting methods and safety precautions. You may contact your PSA for more information on services and resources.

By signing below you indicate that you understand the agency's policies described above and understand the limits to confidentiality.

---

Extended Jurisdiction Juvenile Printed Name

Date

---

Extended Jurisdiction Signature

Date

**Behavioral Health Services  
PREA ASSESSMENT  
1002B**

**Juvenile's Name:** \_\_\_\_\_ **K Number:** \_\_\_\_\_

**Assessment Date/Time:** \_\_\_\_\_ **Assessment By:** \_\_\_\_\_

**PREA Screening assessment- Policy 1002B-Reception Screening for Assaultive and Sexually Aggressive Behavior and Risk for Sexual Victimization**

- This Clinical Assessment is to be conducted by the QMHP and completed on intake day and no later than 72 hours of the juvenile's arrival to the facility.
- Before beginning this Clinical Assessment review the following information:
  - o Mental health screenings
  - o Court records
  - o Case files
  - o County/facility behavioral records
  - o Other relevant documentation from the juvenile's files/Formbase.

**ASK THE JUVENILE:**

1. Do you identify as:  
(Check all that apply)

- ☐ Lesbian
- ☐ Gay
- ☐ Bisexual
- ☐ Transgender
- ☐ Intersex
- ☐ Questioning
- ☐ Curious
- ☐ Heterosexual

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|          |           |       |

2. When allowed, how do you choose to dress?

- ☐ Female
- ☐ Male
- ☐ Varies

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|          |           |       |

3. Do you have any concerns for your safety here at ADJC? Do you have any concerns someone would threaten or pressure you for sexual favors?  
(Check all that apply)

- ☐ Yes – Concerns about sexual safety (sexual favors)
- ☐ Yes – Concerns about physical safety (fights, assaults)
- ☐ No

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|          |           |       |

**COMPLETED BASED ON QMHP IMPRESSION: (Do not ask/interview the juvenile)**

4. Does the juvenile display any nonconforming appearance or mannerisms as lesbian, gay, bisexual, transgender, intersex, questioning, or curious?

- ☐ Yes
- ☐ No

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|          |           |       |

5. What is the juvenile's physical size and stature?

- ☐ Small
- ☐ Medium
- ☐ Large

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|          |           |       |

6. What is the juvenile's appearance of age?

- ☐ Appears younger
- ☐ Appears stated age
- ☐ Appears older

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|          |           |       |

7. Does the juvenile have any physical disabilities?

- ☐ Yes
- ☐ No

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|          |           |       |

8. What is the juvenile's level of emotional development?

- ☐ Age appropriate
- ☐ Immature

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|          |           |       |

9. What is the juvenile's level of cognitive development?

- ☐ Above average
- ☐ Average
- ☐ Below average or delayed

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|          |           |       |

10. MAYSI-2:

(Bleed from the Behavioral Health program the assessment named 'MAYSI-2' from the log page)

- ☐ Arrival Date/Time
- ☐ AD
- ☐ AI
- ☐ DA
- ☐ SC
- ☐ SI
- ☐ TD
- ☐ TE
- ☐ Summary Comments

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|          |           |       |

**RECORDS REVIEW:**

11. Does the juvenile's file contain prior psychological or psychiatric evaluations or information?

- ☐ Yes
- ☐ No

If yes, history of mental health diagnosis not related to behavioral or substance use issues?

- ☐ Yes
- ☐ No

If yes, history of mental health disorders related to behavioral or substance use issues?

- ☐ Yes
- ☐ No

If yes, history of educational or intellectual disorders or prior services in school  
(Ex. IEP, 504 Plan, special education services, etc.)

- ☐ Yes
- ☐ No

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|----------|-----------|-------|



12. Additional Records

(Check all items reviewed)

- ☐ Court Records
  - ☐ Case Files
  - ☐ Offense History/Juvenile Profile
  - ☐ Community Incident Reports/Behavioral Records
  - ☐ ADJC Incident Reports/Behavioral Records
  - ☐ ADJC Contact Notes
  - ☐ Other relevant documentation
- (List the documents reviewed in the comments section)
- ☐ Records not available

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|----------|-----------|-------|

**JUVENILE HISTORY: (Ascertained through records review and/or juvenile discloses information)**

13. History of aggressive behaviors:

(Check all that apply)

- ☐ No reports of aggressive behaviors
- ☐ Verbal aggression (Includes bullying, threatening, etc.,)
- ☐ Damaging property
- ☐ Fights/assaults
- ☐ Carrying a weapon
- ☐ Displaying or using a weapon
- ☐ Fire setting
- ☐ Harm to animals

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|          |           |       |

14. History of sexual abuse victimization and or perpetration: As reported by juvenile or documented in juvenile's records

(Check all that apply)

- ☐ Yes history or indication of sexual abuse victimization or perpetration  
(Youth discloses abuse and/or is documented in juvenile's records)
- ☐ No history or indication of sexual abuse victimization or perpetration
- Type of Sexual Abuse
  - ☐ Yes- History of victimization identified
  - ☐ Yes- History of perpetration identified
- Victimization
  - ☐ Has been a victim of sexual abuse
  - ☐ Has been a victim of sexual exploitation/sex trafficking
- Perpetration
  - ☐ Sexual abuse perpetration without charges, arrests, or adjudications
  - ☐ Sexual abuse perpetration with charges or arrests (no adjudications)
  - ☐ Sexual abuse perpetration with adjudication
  - ☐ Pending adult referral for sexual abuse perpetration

If history of victimization and/or perpetration is identified the details of the abuse must be included in the comments (if known) as listed below:

- ☐ Youth discloses being a victim and/or perpetrator of abuse (no record found)
- ☐ Name of perpetrator(s)/victim(s)
- ☐ Relationship to the juvenile (family, relative, unknown, etc.)
- ☐ When did abuse occur or begin
- ☐ Where did abuse occur (home, placement, secure care facility, etc.)
- ☐ Duration of the abuse (one time, weeks, months, years, etc.)
- ☐ Has it been reported before? (DCS, law enforcement)
- ☐ No information/details available

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|          |           |       |

**SUMMARY AND ACCOMODATIONS:**

15. PREA Summary: Potential victim or abuser identification (Check all that apply)

- ☐ No concerns
- ☐ Potential victim
- ☐ Potential abuser of physical aggression
- ☐ Potential abuser of sexual aggression

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|          |           |       |

16. Initial Accommodations

(Check all that apply)

- Recommendation of unit related to possible risk: (Only check the one that applies)
  - ☐ No preference for risk level
  - ☐ Lower risk units more appropriate
  - ☐ Higher risk units more appropriate
  - ☐ Unsure of appropriate risk level upon initial intake- more information is needed
  - ☐ Female juvenile—not applicable
- Roommate:  
(Only check the one that applies)
  - ☐ No accommodation recommended
  - ☐ Single bunk recommended
  - ☐ Roommate recommended
- Programming
- (Check all that apply)
  - ☐ Educational, academic or intellectual abilities may be diminished-Impacts treatment, education, work assignments, etc.
  - ☐ Requires additional separation or monitoring-separation from certain other juveniles, placement of room assignment; placement in group, line movement
  - ☐ Other accommodations/considerations  
(Comments are required if this one is checked)

| Comments | Date/Time | Staff |
|----------|-----------|-------|
|          |           |       |



## Youth Preference Form-Intersex and Transgender

As a youth resident at Adobe Mountain School your safety and security is a priority. Under agency policy and the Juvenile PREA Standards the facility is required to provide you with the opportunity to speak with a clinical staff member and discuss your preferences as a transgender or intersex youth.

This form is an acknowledgement stating you have met with a clinical professional and have had the opportunity to review the following information: *(please answer the following questions)*

Do you identify as: ☐ Female ☐ Male ☐ Other

▪ *PSA use only:* ☐ MTF ☐ FTM ☐ Intersex

Do you have any concerns with staff (male or female) conducting searches?

☐ Yes- I have concerns ☐ No- I have no concerns

▪ What is your preference? \_\_\_\_\_

What pronouns do you prefer? ☐ She/Her/Hers ☐ He/His/Him ☐ No Preference

Do you have any concerns with your current housing unit? ☐ Yes ☐ No

- What is your housing unit preference? ☐ Male ☐ Female ☐ No Preference
- What are your concerns?

\_\_\_\_\_

Do you have any requests in regards to dress code/grooming? ☐ Yes ☐ No ☐ No Preference

▪ List your requests:

\_\_\_\_\_  
\_\_\_\_\_

Do you have any health and safety concerns you would like to discuss? ☐ Yes ☐ No

▪ List your concerns:

\_\_\_\_\_

\_\_\_\_\_  
Youth Printed Name K# Youth Signature Date

\_\_\_\_\_  
PSA or Designee Printed Name Signature Date



## Youth Preference Form-Intersex and Transgender (Spanish)

### Formulario de Preferencia Juvenil- Transgénero o Intersexual

Como residente juvenil de Adobe Mountain School(AMS) tu seguridad es una prioridad. Según la normas de la agencia y los Estándares de PREA, se requiere que AMS te de la oportunidad de hablar con un personal clínico y discutir tus preferencias como un joven transgénero o intersexual.

Este formulario es un reconocimiento que indica que has platicado con un profesional clínico y que tuviste la oportunidad de repasar la siguiente información: (responde a las siguientes preguntas)

Te identificas como ☐ Mujer ☐ Hombre ☐ Otro

▪ Para uso clínico (PSA use only) : ☐ MTF ☐ FTM ☐ Intersex

¿Tienes alguna preocupación con oficiales (hombre o mujer) que realizan inspecciones?

☐ Si tengo preocupaciones ☐ No tengo preocupaciones

▪ ¿Cuál es tu preferencia? \_\_\_\_\_

¿Que pronombres prefieres? ☐ El ☐ Ella ☐ Sin preferencia

¿Tienes alguna preocupación con to unidad actual? ☐ Si ☐ No

▪ Cuál es tu preferencia de unidad? ☐ Mujer ☐ Hombre ☐ Sin preferencia

▪ Que son tus preocupaciones? \_\_\_\_\_

¿Tienes alguna solicitud con respecto al código de vestir/aseo personal? ☐ Si ☐ No

☐ Ninguna preferencia

▪ Escribe tus preferencias:

\_\_\_\_\_

¿Tienes algunas preocupaciones de salud y seguridad que quieres discutir? ☐ Sí ☐ No

▪ Escribe tus preocupaciones:

\_\_\_\_\_

Nombre del Juvenil K# Firma del Juvenil Fecha

PSA or Designee Printed Name Signature Date